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COMMISSION STAFF WORKING DOCUMENT

Analysis and Evidence in support of the EU Action Plan against Wildlife Trafficking

Accompanying the document

**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

{COM(2016) 87 final}

COMMISSION STAFF WORKING DOCUMENT

Analysis and evidence in support of the EU Action Plan against wildlife trafficking

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Introduction

Wildlife trafficking¹ is not a new phenomenon, but its scale, nature and impact have changed considerably in recent years. Wildlife trafficking today is not only bringing some iconic species to the brink of extinction, but also hindering sustainable economic development. Moreover, it has strong links with transnational organised crime networks and corruption. In some instances, it also threatens national and regional security.

Wildlife trafficking directly undermines EU policies to support sustainable development worldwide, particularly as regards protection for global biodiversity and efforts to strengthen good governance.

The European Commission has therefore developed an EU Action Plan against wildlife trafficking to tackle the phenomenon within the EU and strengthen the EU's role in combating it worldwide.

The Plan has three priorities:

- (1) preventing wildlife trafficking and tackling its root causes,
- (2) making implementation and enforcement of existing rules and the fight against organised wildlife crime more effective, and
- (3) strengthening the global partnership of source, consumer and transit countries against wildlife trafficking.

The fight against cross-border crime in an area of justice and fundamental rights and making the EU a stronger global player feature among the current Commission's ten political priorities.²

This document presents data on the scale and nature of wildlife trafficking in the EU and globally, analyses the action taken so far, and explains why further measures are needed at EU and international level. It also shows the links with the measures in the proposed EU Action Plan which seek to tackle the challenges described here.

¹ Defined as the international and non-international illegal trade in wild animals and plants and derived products and closely interlinked offences such as poaching.

² http://ec.europa.eu/priorities/index_en.htm.

1. Main features of wildlife trafficking at global and EU level

1.1. *Wildlife trafficking at global level: changes in scale and nature*

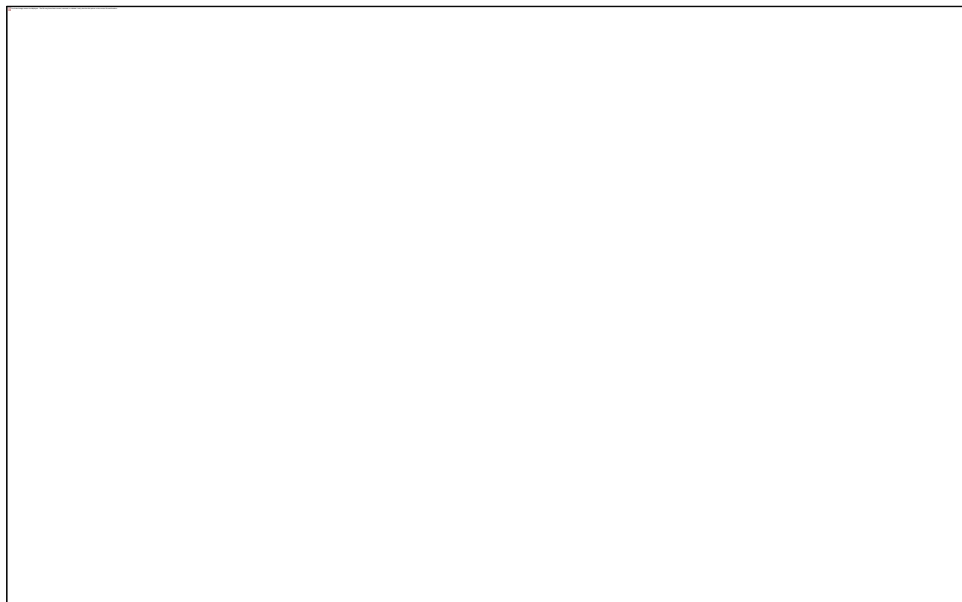
Despite comprehensive international rules on the trade in wildlife, **wildlife trafficking has reached unprecedented levels in recent years.**

By nature, the illegal wildlife trade is difficult to quantify; it has been estimated by different sources to represent several billion euros of business annually. Species exploited include corals, reptiles, pangolins, sharks, tigers, great apes, elephants, rhinoceros, turtles, animals used for bush meat, tropical timber or wood used for charcoal, and plants and animals used for medicinal purposes.

While the EU Action Plan does not focus on specific species, the data on many lesser-known species are limited. This chapter therefore focuses on rhinoceroses and elephants, among the most emblematic victims of the current crisis.

The vast majority of the world's remaining 20,000 **rhinos** live in South Africa, where poaching has risen significantly in recent years. Over 1200 animals were illegally killed in 2014, by comparison with 13 in 2007 (Figure 1). Poaching for rhinoceroses has also increased recently in Namibia and Zimbabwe. This massive poaching supplies the black market for rhino horn in Asia. Consequently, rhinoceros populations in Africa are now declining again after decades of recovery.

Figure 1. Rhino poaching in South Africa. Source: TRAFFIC



The **African elephant** population is also declining, due to steep increases in poaching.

The latest estimates of the total number of African elephants range from 419,000 to 650,000³. An estimated 20,000 - 30,000 elephants have been killed illegally every year since 2011. The elephant population has fallen by 60% in Tanzania over the last five years, from 110,000 to under 44,000. During the same period, Mozambique is reported to have lost 48% of its elephants. Forest elephants from Central Africa declined by an estimated 62% between 2002 and 2012, mainly as a result of poaching.

The illicit ivory trade has more than doubled since 2007, and is now over three times its size in 1998⁴. Over 40 tonnes of ivory were seized in source, transit and end destination countries in 2013⁵. However, this is just a small proportion of the quantities trafficked.

The problem is not confined to rhinos and elephants. The examples below illustrate the scale of trafficking in other species listed in the Appendices of the **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**:

- According to seizure records and arrivals at sanctuaries, wildlife trafficking claimed about 1,800 great apes between 2005 and 2011.⁶
- Poaching is considered to be among the main reasons why the world's tiger population has fallen from 100,000 a century ago to under 3500 today.⁷
- An estimated one million pangolins were illegally traded between 2000 and 2014.⁸
- Over 4000 tonnes of rosewood suspected to have been illegally exported from Madagascar were seized by authorities in various transit and destination countries between November 2013 and April 2014⁹.

Trafficking, both in CITES-listed plants and animals and in other natural resources, is of major concern to the EU and the international community. Particular concerns are illegal logging and timber trafficking, and illegal, unreported and unregulated fishing. These represent serious threats to biodiversity conservation and account for sizeable flows of illegal commodities. Some sources estimate the volume of illegal timber from the nine countries producing the largest amounts of tropical timber at over 80 million m³ in 2013¹⁰, while global illegal fishing is worth approximately EUR 10 billion per annum.¹¹

Wildlife trafficking hotspots include central and eastern Africa (especially for ivory, tropical timber, charcoal and pangolins) and southern Africa (especially for rhino horn) as source

³ UNEP, CITES, IUCN, TRAFFIC (2013). *Elephants in the Dust – The African Elephant Crisis*. A Rapid Response Assessment. United Nations Environment Programme, GRID-Arendal.

⁴ UNEP, CITES, IUCN, TRAFFIC (2013). *Elephants in the Dust – The African Elephant Crisis*. A Rapid Response Assessment. United Nations Environment Programme, GRID-Arendal.

⁵ Milliken, T. (2014) *Illegal Trade in Ivory and Rhino Horn: an Assessment Report to Improve Law Enforcement Under the Wildlife TRAPS Project*. USAID and TRAFFIC.

⁶ Nellemann, C., Henriksen, R., Raxter, P., Ash, N., Mrema, E. (Eds). (2014). *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*. A UNEP Rapid Response Assessment. United Nations Environment Programme and GRID-Arendal, Nairobi and Arendal.

⁷ See e.g. <http://www.traffic.org/tigers/>.

⁸ http://www.pangolinsg.org/files/2012/07/Scaling_up_pangolin_conservation_280714_v4.pdf.

⁹ See <https://cites.org/sites/default/files/eng/com/sc/65/E-SC65-48-01.pdf>.

¹⁰ See: https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20150715IllegalLoggingHoare.pdf

¹¹ Communication from the Commission to the European Parliament and the Council on the application of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing - COM(2015) 480

regions, while south-east Asia and China are major end markets for illegally traded wildlife products.¹² However, wildlife trafficking is a global problem. Regional patterns change constantly and new trade routes emerge frequently.

For example, there are significant illegal trade flows of valuable birds and reptiles from central and south America to the United States and the EU, and of rosewood to Asia.¹³ Transit routes change according to the relative stringency of checks at major ports and airports, new species appear in the illegal wildlife trade, and new poaching areas are targeted. For example, a spike in demand in south-east Asia has driven massive poaching in Asia and Africa of pangolins, which were not trafficked in the past¹⁴. In Namibia, elephant and rhino poaching soared in 2015, against a very low level of poaching in the preceding years.¹⁵

The increasing scale of wildlife trafficking is intrinsically linked to the growing involvement of transnational organised crime networks. The prospect of making sizeable profits by smuggling wildlife commodities has attracted new players in this area.

It is difficult to obtain reliable data on the prices of illegally traded goods, as trafficking is clandestine. The value of such commodities increases considerably along the supply chain, so poachers earn much less than the dealers selling the smuggled items at the final point of sale.

Various estimates are regularly presented by different sources. The resale value of rhino horn is about EUR 40,000/kg (the current price of 1 kg of gold is about EUR 31,000), while raw ivory prices reach EUR 620/kg on the black market, and glass eels are valued at about EUR 1,000/kg.¹⁶ These high profits, coupled with the low risk of detection and the penalties, generally much lower than for trafficking in drugs or firearms, make wildlife trafficking an attractive area for organised criminal groups. Environmental crime (including wildlife trafficking) and other forms of organised crime often occur together, as Interpol states in a recent report.¹⁷

The UN Office for Drugs and Crime (UNODC) has documented the involvement of organised crime networks in wildlife trafficking in particular in its threat assessment reports on organised crime in south-east Asia and east Africa.¹⁸ Organised crime is also a factor in the EU (see 1.3 below and case studies in the Annex).

¹² UNEP, CITES, IUCN, TRAFFIC (2013). *Elephants in the Dust – The African Elephant Crisis*. A Rapid Response Assessment. United Nations Environment Programme, GRID-Arendal.

¹³ See for example: <http://news.mongabay.com/2015/11/journey-to-oblivion-unraveling-latin-americas-illegal-wildlife-trade/>

¹⁴ Soewu, D.A. and Sodeinde, O.A. (2015). Utilization of pangolins in Africa: Fuelling factors, diversity of uses and sustainability. *International Journal of Biodiversity and Conservation* 7 (1), 1-10.

¹⁵ See: <https://www.newera.com.na/2015/05/12/60-rhinos-poached/>

¹⁶ European Commission (2014). *Communication from the Commission to the Council and the European Parliament on the EU Approach against Wildlife Trafficking*. Brussels

¹⁷ Interpol. (2015). Interpol Strategic Report – Environmental Crime and its Convergence with other serious crimes. Reference: 2015/999/OEC/ENS/SLO

¹⁸ https://www.unodc.org/documents/data-and-analysis/Studies/TOC_East_Africa_2013.pdf and https://www.unodc.org/documents/data-and-analysis/Studies/TOCTA_EAP_web.pdf

Rhino horns, ivory and rosewood are among the well-documented commodities trafficked by organised transnational criminal groups¹⁹. One clear indication is the rising number of large-scale ivory seizures²⁰. Setting up efficient systems to procure and trade so much ivory illicitly typically requires finance, planning, organisation and intelligence, investment in secure facilities for storage and staging purposes, high levels of collusion and corruption, and the ability to effectively and covertly exploit trading links and networks between source countries in Africa and end-use markets in Asia.

Organised gangs, notably those with links to major end-use ivory markets, have now developed the ability to ship large consignments of raw and processed ivory directly to key Asian markets.²¹ The structure of wildlife trafficking groups is also typical of organised crime networks, with different levels of responsibility, depending on the function of group members (frontline poachers, middle men in the countries of origin who organise poaching logistics and transport to exit points, 'kingpins' responsible for the overall network, and, in some cases, 'mules', who transport ivory or rhino horns across borders).

The CITES Secretariat drew attention to the involvement of organised crime networks in rhinoceros poaching and trafficking in its report for the 16th Conference of Parties in March 2013. This states that *'illegal trade in rhinoceros horn continues to be one of the most structured criminal activities currently faced by CITES. There are clear indications that organized crime groups are involved in rhinoceros poaching and illegal rhinoceros horn trade. These groups operate in range States as well as Europe, where thefts of rhinoceros horns from museums, auction houses, antique shops and taxidermists have occurred. Seizures have also been made in Australia, Hong Kong SAR and the Philippines. In the United States of America, seven people were arrested on charges of illegal trafficking rhinoceros horn in February 2012. Illegal rhinoceros horn trade has therefore become a major problem and has an impact on several continents. Increased international cooperation and a well-coordinated law enforcement response are required to address this threat effectively'*.

An increasingly important new dimension of wildlife trafficking is the use of the **internet** to facilitate illegal transactions (see Box 1).

¹⁹ UNEP, CITES, IUCN, TRAFFIC (2013). *Elephants in the Dust – The African Elephant Crisis*. A Rapid Response Assessment. United Nations Environment Programme, GRID-Arendal; Nellemann, C., Henriksen, R., Raxter, P., Ash, N., Mrema, E. (Eds). (2014). *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*. A UNEP Rapid Response Assessment. United Nations Environment Programme and GRID-Arendal, Nairobi and Arendal; Schneider, J. (2012). *Sold into extinction. The global trade in endangered species*. Praeger, Santa Barbara; Milliken, T. and Shaw, J. (2012). *The South Africa – Viet Nam Rhino Horn Trade Nexus: A deadly combination of institutional lapses, corrupt wildlife industry professionals and Asian crime syndicates*. Johannesburg, South Africa: TRAFFIC; Warchol, G., Zupan, L., and Clarke W. (2003). Transnational Criminality: An analysis of the illegal wildlife market in Southern Africa. *International Criminal Justice Review*. 13(1):1-26.

²⁰ UNEP, CITES, IUCN, TRAFFIC (2013). *Elephants in the Dust – The African Elephant Crisis*. A Rapid Response Assessment. United Nations Environment Programme, GRID-Arendal.

²¹ UNEP, CITES, IUCN, TRAFFIC (2013). *Elephants in the Dust – The African Elephant Crisis*. A Rapid Response Assessment. United Nations Environment Programme, GRID-Arendal.

Box 1 – Wildlife trafficking and the internet²²

The internet has become an important tool facilitating the trade in wildlife, both legal and illegal.

Research by **TRAFFIC** in 2012 in China revealed that 30 000 - 50 000 advertisements for wildlife products from five species - elephant ivory, rhino horn, tiger bone, hawksbill shells and pangolin scales – could be found on 125 websites.

Again, in 2012, ten EU countries monitored their national auction sites for a fortnight to identify advertisements of ivory items. According to an **Interpol** report, investigators discovered 660 adverts on 61 auction sites, advertising an estimated total volume of 4500 kg of ivory at an estimated total value of EUR 1 450 000. This monitoring resulted in six national and three international investigations into ivory items imported from abroad or described as new.

A 2014 **International Fund for Animal Welfare** report based on a six-week investigation found a total of 33 006 endangered wildlife and wildlife products for sale. They were found on 280 websites, in 9482 advertisements, in 16 countries including six EU countries (Belgium, France, Germany, Netherlands, Poland and the UK). While it was impossible to determine the exact number of illegal and legal advertisements, more than 1000 cases were submitted to enforcement authorities for further investigation.

A recent issue is the shift of wildlife traders advertising the sale of wildlife and wildlife products from websites, where products are freely available to the public, to restricted specialised online platforms and private social media forums. These private forums facilitate instant private communication between sellers and buyers and the private exchange of goods. **TRAFFIC** has recently documented how dealers using 58 active accounts on WeChat (China's most popular social media messaging service) were responsible for posting 10 650 advertisements, including 57 479 photos and 580 video clips, for illegal ivory products over a 13-week period.

The number of illegal ivory advertisements plunged by 45% during the survey period in China, following government enforcement action and concerted efforts by WeChat to clamp down on

²² On this problem, see notably: Alacs, E. and Georges, A. (2008). Wildlife across our borders: a review of the illegal trade in Australia. *Australian Journal of Forensic Sciences* 40 (2), pp. 147-160.
Altherr, S. 2014. *Stolen Wildlife – Why the EU needs to tackle smuggling of nationally protected species*. Report by Pro Wildlife, Munich, Germany. pp. 29.
IFAW. 2004. 'Elephants on the high street: an investigation into ivory trade in the UK'. Accessed on 21 August 2015 at <http://www.ifaw.org/sites/default/files/elephants%20on%20the%20high%20street%20an%20investigation%20into%20ivory%20trade%20in%20the%20UK%20-%202004.pdf>
IFAW. 2007. 'Bidding for extinction'. Accessed on 21 August 2015 at <http://www.ifaw.org/sites/default/files/Report%202007%20Bidding%20for%20Extinction.pdf>
IFAW. 2008. 'Killing with keystrokes'. Accessed 21 August 2015 at <http://www.ifaw.org/sites/default/files/Killing%20with%20Keystrokes.pdf>
IFAW. 2014. 'Wanted - Dead or Alive' Exposing Online Wildlife Trade. Accessed on 30 November 2015 at <http://www.ifaw.org/sites/default/files/IFAW-Wanted-Dead-or-Alive-Exposing-Online-Wildlife-Trade-2014.pdf>
Interpol. 2013. Project Web: An investigation into the ivory trade over the internet within the European Union. pp. 32. Accessed on 30 November 2015 at <http://www.ifaw.org/sites/default/files/Project%20Web%20-%20PUBLIC.pdf>
Izzo, J.B. 2010. PC Pets for a Price: Combating Online and Traditional Wildlife Crime through International Harmonization and Authoritative Policies. *William and Mary Environmental Law and Policy Review*, 34 (3), 965-998. <http://scholarship.law.wm.edu/wmelpr/vol34/iss3/6>
Lavorgna, A. 2014. Wildlife trafficking in the Internet age. *Crime Science* 3:5. doi:10.1186/s40163-014-0005-2.
NWCU. 2015. Emberton sentenced at Sheffield crown court. Accessed on 30 November 2015 at <http://www.nwcu.police.uk/news/nwcu-police-press-releases/emberton-sentenced-at-sheffield-crown-court/>
NWCU. 2013. UK National Wildlife Crime Unit Strategic Assessment 2013. Accessed on 30 November 2015 at <http://www.nwcu.police.uk/wp-content/uploads/2014/04/NWCU-Strategic-Assessment-2013-final-v2.pdf>
Smithers, R., Osborn, T., Whiteley, G., Kecse-Nagy, K. and Goba, V. (2015). Strengthening cooperation with business sectors against illegal trade in wildlife. Report for the European Commission
Sollund, R. and Maher, J. (2015). The illegal wildlife trade. A Case Study report on the Illegal Wildlife Trade in the United Kingdom, Norway, Colombia and Brazil. A study compiled as part of the EFFACE project. University of Oslo and University of South Wales.
Yu, X and Jia, W. 2015. Moving targets: tracking online sales of illegal wildlife products in China. **TRAFFIC International**, Cambridge, UK.

unethical and illegal activities online. Although this had an immediate deterrent effect and curbed the illegal wildlife trade on this particular online platform for several weeks, illegal wildlife traders subsequently continued to abuse these platforms by setting up new accounts to avoid detection. This demonstrates the adaptability of wildlife criminals and the need for the private sector and enforcement authorities to remain constantly vigilant.

Internet sales are typically completed by parcel/post-delivery. Interpol reported (in 2013) that between 2007 and 2011, mail parcels accounted for 22 per cent of illegally traded wildlife and wildlife products seized in the EU. In 2014 alone, over 60 000 tablets containing CITES Appendix II Cape Aloe (*Aloe ferox*) were seized in multiple parcels destined for France, 152 carvings in African elephant ivory (*Loxodonta africana*) were seized from postal parcels in transit in Germany, and 170 specimens of radiated tortoise (*Astrochelys radiata*, Appendix I) were discovered in parcels in transit in France. These illegal shipments are likely to have been ordered online. This shows the widespread use of the internet for illegal wildlife trade transactions, which affect the EU as both a consumer and a transit region.

While the 2013 **Europol** Serious and Organised Crime Threat Assessment (SOCTA)²³ recognises that 'endangered fauna and flora ... are ... traded over the internet', as are other commodities, Europol's Internet Organised Crime Threat Assessment (IOCTA) has not examined wildlife crime closely.

Most EU countries have acknowledged the threat posed by the online wildlife trade. For example, the Czech Republic's national legislation covers online trading and is specifically addressing the online wildlife trade, particularly that a "CITES-obligatory document" must be displayed as part of the sale of any CITES listed specimens sold via the Internet, and the UK has seen several convictions related to illegal wildlife trade on the internet. A recent example is a prosecution for the illegal sale and offering for sale of jewellery containing tiger teeth and claws, which the person concerned was shipping around the globe. In the UK, a man who illegally sold imported primate body parts - including four monkey heads - online and possessed images of bestiality has been sentenced to 14 months' imprisonment suspended for two years in January 2016. The UK authorities are also aware of illegal trade in other wildlife, such as raptors and tortoises. However, there are insufficient indications from Member States that national competent authorities receive adequate training and –where necessary– assistance by specialised cybercrime units to systematically investigate/study wildlife crime on the internet.

1.2. Wildlife trafficking at global level: key drivers

1.2.1 Rising demand

The sharp rise in global demand for wildlife products is a key factor explaining the recent boom in wildlife trafficking.

This surge in demand, largely from east and south-east Asian markets, is particularly damaging for products from endangered species, such as elephant ivory, rhinoceros horn, tiger bones and skins, luxury woods, reptile skins and species used in traditional medicines. The sustained economic growth that has occurred in parts of Asia, particularly China, has significantly boosted people's disposable income and hence their ability to purchase luxury and desirable items. The result is increased consumption of rare wildlife products, now fashionable in sections of the newly wealthy middle and upper classes²⁴.

²³ SOCTA (2013). *EU Serious and Organised Crime Threat Assessment*. pp. 48.

²⁴ TRAFFIC, 2008. "What's Driving the Wildlife Trade? A Review of Expert Opinion on Economic and Social Drivers of the Wildlife Trade and Trade Control Efforts in Cambodia, Indonesia, Lao PDR and Vietnam". East Asia and Pacific

China has become the world's largest destination market for ivory, according to the data on large-scale seizures of ivory between 2012 and 2013²⁵. Data from the Elephant Trade Information System (ETIS²⁶) also confirm that China's involvement in this illegal trade rose from 3% in 1996 to 40% in 2011²⁷.

According to analysis conducted by the MIKE Programme²⁸, trends in consumer spending in China are strongly correlated with the Proportion of Illegally Killed Elephants (PIKE)²⁹. Higher consumer demand in China correlates with a steady rise in the wholesale price paid by carvers and ivory processors for illegal raw ivory. This rose from approximately USD 150 to USD 350 per kg between 2002 and 2004, reaching about USD 825 per kg in 2010.

There have also been changes in consumer attitudes and product preferences. Consumption is now shifting from products such as more traditional medicines to new products including tiger bone wine³⁰ and rhino horn hangover cures³¹. This suggests that consumers are increasingly motivated by social status and speculation, for instance, rather than tradition.

The particular rise in demand from Vietnam coincides with and reflects South African poaching figures. South Africa's data on applications to hunt rhino and exports of hunting trophies point to Vietnam as the main country involved,³² highlighting the demand. South African seizure data also implicates the Vietnamese market: of 43 documented arrests of Asian nationals for rhino crimes in South Africa, 24 were Vietnamese (56%), 13 were Chinese (28%), with the remainder from Thailand and Malaysia³³ and with Maputo in Mozambique emerging as a hub for rhino horns in transit out of Africa to Vietnam.³⁴ Law enforcement data in the USA also overwhelmingly implicate Vietnam as the primary destination for rhino horns from North America³⁵. Vietnam also appears to be the only country where rhino horn paraphernalia (bowls with serrated surfaces for grinding) to facilitate home medication are widely available and where fake rhino horns are commonly

Region Sustainable Development Discussion Papers. East Asia and Pacific Region Sustainable Development Department, World Bank, Washington, DC.

²⁵ CITES Secretariat (2014). *Elephant Conservation, Illegal Killing and Ivory Trade. Interpretation and Implementation of the Convention Species Trade and Conservation, Elephants*. 65th Meeting of the Standing Committee, Geneva (Switzerland), 7-11 July 2014.

²⁶ For more information on ETIS, see <https://www.cites.org/eng/prog/etis/index.php>

²⁷ Underwood, F.M., Burn, R.W. and Milliken, T. (2013). Dissecting the Illegal Ivory Trade: An Analysis of Ivory Seizures Data. PLoS ONE 8(10): e76539. doi:10.1371/journal.pone.0076539

²⁸ The 'Monitoring the Illegal Killing of Elephants' (MIKE) programme under CITES aims to measure levels and trends in the illegal hunting of elephants and to determine the factors causing or associated with changing trends. MIKE has been implemented since 2001 and operates at over 80 sites, spread across 44 elephant range countries in Africa and Asia.

²⁹ CITES Secretariat, IUCN / SSC African Elephant Specialist Group and TRAFFIC International. (2013). Status of African elephant populations and levels of illegal killing and the illegal trade in ivory: A report to the African Elephant Summit. (see https://cmsdata.iucn.org/downloads/african_elephant_summit_background_document_2013_en.pdf).

³⁰ Stoner, S.S. and Pervushina, N. (2013). *Reduced to Skin and Bones Revisited: An Updated Analysis of Tiger Seizures from 12 Tiger Range Countries (2000–2012)*. TRAFFIC, Kuala Lumpur, Malaysia.

³¹ Milliken, T. and Shaw, J. (2012). The South Africa – Viet Nam Rhino Horn Trade Nexus: A deadly combination of institutional lapses, corrupt wildlife industry professionals and Asian crime syndicates. TRAFFIC, Johannesburg, South Africa

³² CITES Secretariat. (2013). Report to the Secretariat. Interpretation and Implementation of the Convention Species Trade and Conservation, Rhinoceroses. 16th Meeting of the Conference of the Parties, Bangkok, (Thailand), 3-14 March 2013.

³³ Milliken, T. and Shaw, J. (2012). The South Africa – Viet Nam Rhino Horn Trade Nexus: A deadly combination of institutional lapses, corrupt wildlife industry professionals and Asian crime syndicates. TRAFFIC, Johannesburg, South Africa

³⁴ Milliken, T. and Shaw, J. (2012). The South Africa – Viet Nam Rhino Horn Trade Nexus: A deadly combination of institutional lapses, corrupt wildlife industry professionals and Asian crime syndicates. TRAFFIC, Johannesburg, South Africa.

³⁵ CITES Secretariat (2013) *Report of the Secretariat. Interpretation and Implementation of the Convention Species Trade and Conservation, Rhinoceroses*. 16th Meeting of the Conference of Parties Bangkok, Thailand, 3-14 March 2013.

found in the marketplace. Offering rhino horns for sale is not a criminal offence under Vietnam's wildlife trade law.

A stronger focus on demand reduction measures and behavioural change is therefore an essential part of the fight against wildlife trafficking, and such measures can be successful as shown below for products like shark fin (see 4.1.3).

1.2.2 Poverty and exploitation of rural communities in source countries (linked to actions 4 and 5)

The role of poverty in driving poaching in source countries has been widely acknowledged. Poaching can be very lucrative, and it thrives where rural communities have few alternative sources of income. This applies particularly where communities in or close to wildlife-rich areas do not benefit from wildlife conservation and management programmes. The situation is abused by criminal networks that hire frontline poachers or villagers from such communities to assist poachers, in exchange for far more cash than they could earn in any other way.

The report from a symposium held in 2015 by the International Union for Conservation of Nature (IUCN) and the International Institute of Environment and Development (IIED)³⁶ presents several case studies supporting the view that reasons for poaching include the lack of alternative livelihoods. The prospect of increased income from illegal wildlife trafficking activities often far outweighs the fear of arrest and imprisonment, driving some locals to become involved in illicit activities. However, those benefiting from the illegal trade are often just a few individuals, not whole communities (see Box 2).

Box 2 – Poverty as a driver for elephant poaching³⁷

The MIKE programme has statistically evaluated relationships between the Proportion of Illegally Killed Elephants (PIKE) levels and a wide range of ecological, biophysical and socioeconomic factors at the site, national and global levels. MIKE data analysis has found that 'three factors consistently emerge as very strong predictors of poaching levels and trends: poverty at the site level, governance at the national level and demand for illegal ivory at the global level'. Research also suggests that human infant mortality in and around MIKE sites, which has been interpreted as a proxy for poverty at the site level, was the single strongest site-level correlate of PIKE, with sites suffering from higher levels of poverty experiencing higher levels of elephant poaching. This implies that there may be a greater incentive to facilitate or participate in the illegal killing of elephants in areas where human livelihoods are insecure.

CITES CoP16 Document 53.1 on MIKE states that 'both livestock density and crop occurrence are negatively correlated with PIKE, meaning that poaching levels decrease as livestock or crop density increase.' Relationships between poverty, food security and PIKE highlight a **close linkage between the well-being of local communities and the health of elephant populations**'.

The above symposium report also provides positive examples of community involvement in combating the illegal wildlife trade. Namibia provides an excellent example of communities benefiting directly from wildlife and being involved in tackling wildlife trafficking. In 1996, the government amended the law, enabling communities to have ownership rights over wildlife through community conservancies. The government sets quotas for wildlife use for

³⁶ International Symposium. Beyond enforcement: communities, governance, incentives and sustainable use in combating wildlife crime, <http://pubs.iied.org/G03903.html>

³⁷ See CITES Secretariat *et al.*, 2013.

consumption purposes (e.g. hunting), and all revenues from this and other forms of tourism go to the communities. This has resulted in growing wildlife numbers and significant job creation - including jobs for 500 community game guards. It has also generated a large amount of income, mainly from tourism (e.g. 13m Namibian dollars - about USD 1m - towards schools, healthcare, roads, training and other community needs).

Another example from the symposium is the Ruvuma Elephant Project in Tanzania, covering two million hectares, which includes village and farm land, forest and game reserves, and community-based Wildlife Management Areas. It operates in an area where the poaching challenge has been significant. 'Game scouts recruited from the local villages are trained to work alongside government rangers, and they receive performance-related rewards. Local villagers also inform law enforcement efforts, reporting poaching and other suspicious activities to rangers... The project requires good relationships and trust, so it has reciprocally taken on issues of concern to the local communities, particularly conflicts between humans and elephants. The net effect has been a dramatic reduction in poaching while also helping villagers protect their crops'³⁸.

Involving rural communities in conservation and supporting the development of sustainable alternative livelihoods is thus crucial for effective donor support against wildlife trafficking (see below 4.2).

1.2.3 Poor governance and corruption

Poaching and wildlife trafficking have been particularly prevalent in countries with weak governance structure and high levels of corruption.

Weak governance means the official authorities lack the resources or will to exercise proper control over the illegal wildlife product trafficking chain as a whole, especially:

- in source countries, (i) on the sites where poaching takes place, when the products are being shipped within the country, and at export and exit points, such as ports and airports – and (ii) on the issuing and checking of documents designed to ensure that products are of legal origin;
- in transit countries, at cross-border points, especially ports and airports, to inspect products and documentation;
- in end-destination countries, at entry points, during internal transport and where products are sold on the market.

National legislation is often inadequate and the judiciary inadequately equipped to properly deal with the perpetrators of wildlife crime offences.³⁹

Weak governance structures are particularly ill-prepared to combat organised crime. Where there is no awareness or will to take political action, wildlife trafficking is not a priority (or even an issue) in the work programme of the police and governmental and inter-governmental bodies responsible for customs checks, organised crime or corruption. This is

³⁸ See report footnote 19 above, p. 19.

³⁹ DLA Piper. (2014). Empty Threat: Does the law combat illegal wildlife trade? A ten country review of legislative and judicial approaches. pp. 254

the case in a number of developing countries affected by wildlife trafficking, where the environment departments in charge of wildlife conservation have found themselves on the front line against criminal gangs involved in wildlife trafficking. Without cooperation by proper law enforcement agencies (police and customs in particular), environmental agencies have very limited means to address the complex web of criminal activities supporting wildlife trafficking.

Analysis under the MIKE programme shows that, at national level, the factor most strongly correlated with the proportion of illegally killed elephants is governance, as measured by Transparency International's Corruption Perceptions Index (CPI). High poaching levels are more prevalent in countries where governance is weaker, and vice versa. This is likely to be a causal relationship, with poor governance facilitating the illegal killing of elephants and movement of illegal ivory, be it through ineffective law enforcement or active aiding and abetting by unscrupulous officials⁴⁰.

This situation is compounded by corruption, viewed as one of the biggest facilitators of the illegal wildlife trade⁴¹. A number of wildlife species are high-value items targeted by organised crime groups, and this makes the officers responsible for regulating trade in specimens of these species potentially vulnerable to corruption. Corruption can take place at every stage in the trade chain – from poaching, illegal logging and illegal fishing, the transport of illegally poached or harvested goods, processing and export, to issuing, inspecting and accepting documentation (such as CITES export and import permits), to the sale of illegal wildlife products and the laundering of proceeds. Corruption hampers attempts to apprehend and prosecute those involved in wildlife crime, for example, through the bribing or coercion of investigators, police, prosecutors or judges. This is particularly true for those involved in the upper echelons of these organised criminal networks. As a result, most arrests and prosecutions involve the 'foot soldiers' in the lower levels of these wildlife crime syndicates, with few arrests involving individuals further up in the structure.⁴²

The examples below illustrate the problem:

- A 2012 report by TRAFFIC⁴³ attributed responsibility for the surge in rhino poaching in South Africa largely to corruption among wildlife wardens, professional hunters and

⁴⁰ CITES Secretariat, IUCN / SSC African Elephant Specialist Group and TRAFFIC International. (2013). Status of African elephant populations and levels of illegal killing and the illegal trade in ivory: A report to the African Elephant Summit. (available at https://cmsdata.iucn.org/downloads/african_elephant_summit_background_document_2013_en.pdf).

⁴¹ "Corruption, environment and the United Nations Convention against corruption", UNODC, February 2012; "Wildlife crime and corruption", U4 Expert answer operated by Transparency International, 2013 (available at http://www.transparency.org/files/content/corruptionqas/367_Wildlife_Crimes_and_Corruption.pdf); Lawson, K., and Vines. A. (2014) Global impacts of the illegal wildlife trade: the costs of crime, insecurity and institutional erosion. Chatham House, London (available at <https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0214Wildlife.pdf>): The role of corruption in Wildlife and Forest Crime, Environmental Investigation Agency, 2015 <https://drive.google.com/viewerng/viewer?url=https://eia-international.org/wp-content/uploads/The-Role-of-Corruption-in-Wildlife-Forest-Crime-FINAL.pdf>.

⁴² Maggs, K. (2011). South Africa's National Strategy for the safety and security of rhino populations and other relevant government and private sector initiatives. In Proceedings of the tenth meeting of the IUCN African Rhino Specialist Group held at Mokala National Park, South Africa from 5-10 March 2011 (Ed. C. Dean), pp. 130–146.;

⁴³ Milliken, T. and Shaw, J. (2012). The South Africa – Viet Nam Rhino Horn Trade Nexus: A deadly combination of institutional lapses, corrupt wildlife industry professionals and Asian crime syndicates. TRAFFIC, Johannesburg, South Africa

other game industry professionals, including game ranch owners, vets, pilots and game capture operators.

- In 2015, a record seizure of 65 rhino horns in Mozambique was quickly followed by the theft of 12 of them from a strong-room in Maputo Province's police headquarters, reflecting the country's poor law enforcement record and fuelling suspicion of complicity by some authorities.⁴⁴
- A report by the Environmental Investigation Agency from 2015 highlights corruption and the authorities' lack of engagement and capacity as a major factor in Laos' growing importance as a source and transit country for illegal wildlife products.⁴⁵
- 2015 reports by the Environmental Investigation Agency and Global Witness stress the role of corruption in large-scale illegal logging and the trade in protected timber species in and between Cambodia, Myanmar and China.⁴⁶
- In September 2015, INTERPOL confirmed that the former wildlife director and head of the CITES Management Authority of Guinea was arrested for his suspected role in corrupt and fraudulent actions in issuing CITES export permits, notably for the export of highly endangered great apes⁴⁷.

Several factors contribute to a climate in which corruption is likely to flourish, particularly in relation to wildlife crime. These include lack of transparency and lack of accountability mechanisms; lack of effective deterrents; legislation and regulations that are complex, ambiguous, confusing or contradictory; conflicts of interest; lack of appropriate awareness education and training; low or irregular pay; and the perception that certain corrupt forms of behaviour are 'victimless' crimes or have no serious consequences.

1.3 Wildlife trafficking and the EU

The EU is a market, transit and source region for wildlife trafficking.

As Europol has pointed out in its 2013 Threat Assessment on Environmental Crime⁴⁸ and in its 2013 Serious and Organised Crime Threat Assessment (SOCTA)⁴⁹, **organised wildlife crime exists in the EU, as elsewhere**. Europol identifies environmental crime (including wildlife trafficking) as an 'emerging crime' in the EU and describes *'trafficking in endangered species'* as *'a niche market attracting highly specialised Organised Criminal Groups'*.

The case of the 'pseudo-hunters' (see Annex, case study 4) illustrates the presence of organised wildlife criminal networks using the EU as a transit point for rhinoceros horns. Further evidence is provided by case study 3, in which a Belgian court convicted four people for smuggling birds illegally and on a large scale across various EU countries.

⁴⁴ <http://www.traffic.org/home/2015/6/1/theft-of-rhino-horns-from-police-a-huge-setback-to-mozambique.html>.

⁴⁵ 'Sin City – illegal wildlife trade in Laos' golden triangle special economic zone' - EIA, March 2015

⁴⁶ 'The cost of luxury', Global Witness February 2015; 'Organised Chaos', EIA September 2015.

⁴⁷ Interpol. (2015). *Interpol Strategic Report – Environmental Crime and its Convergence with other serious crimes*.

Reference: 2015/999/OEC/ENS/SLO See: https://cites.org/eng/guinea_arrest_20150903

⁴⁸ <https://www.europol.europa.eu/content/threat-assessment-2013-environmental-crime-eu>

⁴⁹ <https://www.europol.europa.eu/content/eu-serious-and-organised-crime-threat-assessment-socta>

1.3.1 Scale of wildlife trafficking in the EU (linked in particular to action 2, 3, 9)

EU as an end market

Although most wildlife products imported into the EU are of legal origin, **the EU is a major end market for illegal wildlife products imported from third countries as well.**

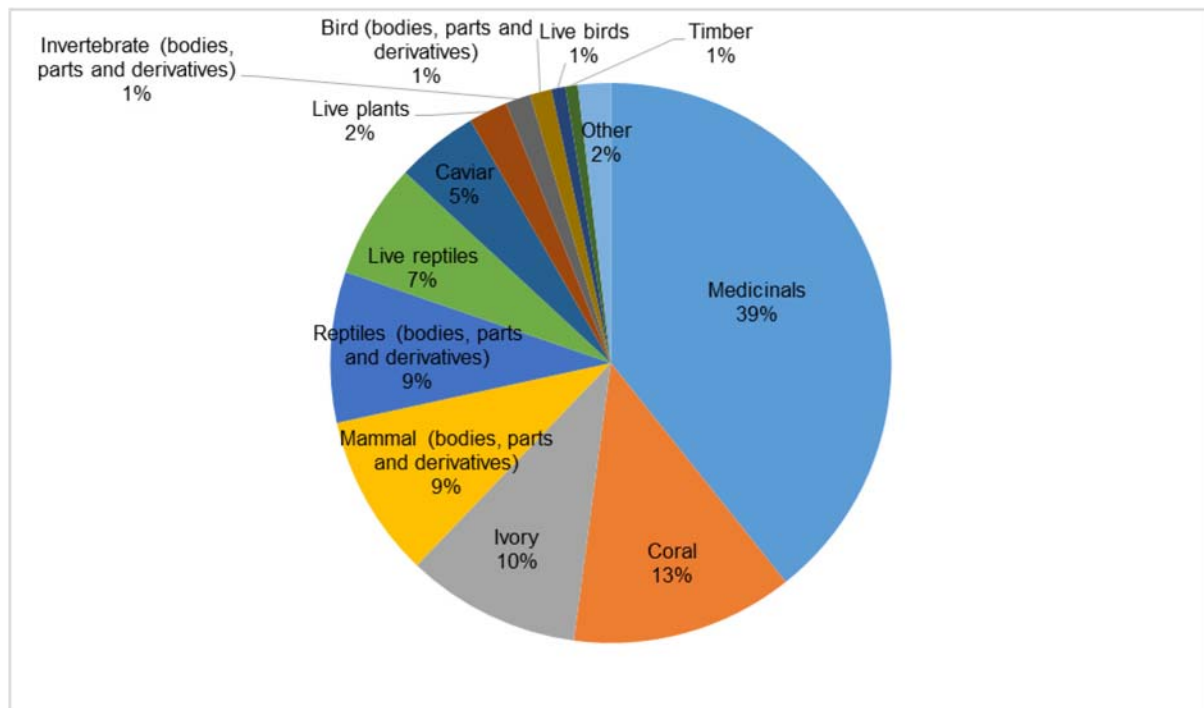
The EU's significance as a market for illegal wildlife products is shown by the reports of large seizures at EU borders between 2011 and 2014 submitted by EU countries to the European Commission. Although not all Member States provided complete information for the whole period, the data available is wide-ranging and up-to-date.

The main commodities exported illegally to the EU between 2011 and 2014 include (see also figure 2):

- medicinal products derived from plants (e.g. costus root, American ginseng, orchids, agarwood, African cherry, hoodia and aloe) and animals (seahorses, musk deer, pangolins);
- live reptiles, especially tortoises, but also lizards, chameleons, snakes, iguanas and geckos. Over 6000 live reptiles were seized at EU borders between 2011 and 2014 (some 3200 in 2014 alone);
- reptile bodies, parts and derivatives, with over 9600 individual items seized between 2011 and 2014 (some 1600 items in 2014 alone). Most were leather and reptile skin products from snakes, crocodiles and lizards;
- live birds and eggs, with a total of over 500 specimens seized between 2011 and 2014; most were parrots smuggled from Africa or Latin America to Europe via transit countries, which attract very high prices on the black market, or birds of prey (see recent case studies 1 and 2 on large-scale cross-border smuggling of rare exotic birds into the EU in the annex to this document);
- mammal bodies, parts and derivatives (skins in particular), including bears, wolves, big cats and bush meat;
- live plants, mainly orchids, cacti, euphorbias and cycads, with around 78,000 seized between 2011 and 2014 (some 20,000 in 2014 alone).

Other commodities frequently imported illegally into the EU include corals, caviar, timber products, dead birds and invertebrates (bodies, parts and derivatives).

Figure 2: Distribution across commodity groups of international seizure records of species mentioned in the Annexes to Council Regulation (EC) No 338/97, reported by EU countries, 2014. Source: TRAFFIC⁵⁰



The main countries of origin of products exported illegally to the EU include the US, mainland China and Hong Kong, and Thailand. Algeria, Morocco, Switzerland, Tunisia and the United Arab Emirates have featured increasingly in recent years.

Imports into the EU of **hunting trophies**, particularly from lions and elephants, have attracted considerable attention recently. EU policy on ensuring that trophies from species listed in Annex B to Council Regulation (EC) No 338/97 are of legal and sustainable origin is set out in Box 3.

Box 3 - Importing hunting trophies into the EU (linked to Action 9)

The EU is a significant importer of hunting trophies from CITES-listed species from various countries worldwide.

EU Member States reported that an average 2,027 hunting trophies from species listed in Annex B to Council Regulation (EC) No 338/97 were imported annually between 2004 and 2013. This figure represents 13% of Annex B trophies traded worldwide. The five main Annex B animals imported into the EU as hunting trophies were, in order, Hartmann's mountain zebra (*Equus zebra hartmannae*), the American black bear (*Ursus americanus*), the African elephant (*Loxodonta africana*), the hippo (*Hippopotamus amphibius*) and the Chacma baboon (*Papio ursinus*).

Trophy hunting, when well-managed, can be an important conservation tool, as it can generate profits which can be invested for conservation purposes and provide livelihood opportunities for rural communities. However, the sustainability (and ecological consequences) of offtake from populations

⁵⁰ TRAFFIC. (2015). *Overview of Significant Seizures in the European Union, January to December 2014*. Briefing prepared by TRAFFIC for the European Commission.

subject to trophy hunting is sometimes questionable. Concerns have therefore been raised about the sustainability of trade in hunting trophies for some species listed in Annex B to Council Regulation (EC) No 338/97, especially where trophies represent a large share of the overall trade affecting the species from the exporting country concerned. Under previous EU rules, EU scientific authorities did not scrutinise imports of Annex B hunting trophies into the EU to ensure that they were not adversely affecting the conservation status of the species. The legality of importing white rhino hunting trophies from South Africa was also questionable (see case study 4, Annex).

In 2013 and 2014, the EU conducted (i) a comprehensive assessment of its regulations on importing Annex B hunting trophies to ensure that the sustainability of imports of hunting trophies into the EU is adequately monitored and checked and (ii) a review of the sustainability of such imports for selected species⁵¹.

On the basis of these data and analysis, a wide-reaching consultation with stakeholders and non-EU countries, and consultation with Member States, the Commission changed the EU rules on importing hunting trophies for six species and subspecies in 2015. Member States now have to issue import permits before these species can be imported. The species concerned are the African lion (*Panthera leo*), the polar bear (*Ursus maritimus*), the African elephant (*Loxodonta africana*), the Southern white rhinoceros (*Ceratotherium simum simum*), the hippo (*Hippopotamus amphibius*) and the argali sheep (*Ovis ammon*).

The importing country issues an import permit only if its CITES scientific authority issues a positive opinion on the basis of an EU-level assessment that importing such trophies is sustainable. The Scientific Review Group makes this assessment on the basis of clear criteria and information provided by the exporting countries and independent scientific sources, such as analyses by United Nations Environment Programme –World Conservation Monitoring Centre (UNEP-WCMC) and International Union for Conservation of Nature (IUCN).

The EU keeps a regular dialogue with numerous non-EU countries, seeking to improve the sustainability of hunting resulting in trophies. In cases where guarantees of sustainability cannot be provided, the EU Scientific Review Group issues a negative opinion on importing trophies for the species concerned, and no import into the EU is allowed. This is currently the case for a limited number of combinations of species and countries, typically involving high-profile species such as lions (*Panthera leo*), grey wolves (*Canis lupus*), hippos (*Hippopotamus amphibious*), brown bears (*Ursus arctos*), polar bears (*Ursus maritimus*) and African elephants (*Loxodonta africana*) (See Table 1).

⁵¹ See:

- UNEP-WCMC. 2013. Assessing potential impacts of trade in trophies imported for hunting purposes to the EU-27 on conservation status of Annex B species. UNEP-WCMC, Cambridge
http://ec.europa.eu/environment/cites/pdf/reports/SRG65_Part1.pdf
- UNEP-WCMC. 2013. Assessing potential impacts of trade in trophies imported for hunting purposes to the EU-27 on conservation status of Annex B species. Part 2: Discussion and case studies. UNEP-WCMC, Cambridge
(http://ec.europa.eu/environment/cites/pdf/reports/SRG%2065_7%20Hunting%20trophies%20report_2.pdf)
- UNEP-WCMC. 2014. Review trophy hunting in selected species. UNEP-WCMC, Cambridge.
(http://ec.europa.eu/environment/cites/pdf/reports/SRG%2068_6%20Review%20of%20trophy%20hunting%20in%20selected%20species%20_public_.pdf)

Table 1. Species included in Annex A and Annex B to Regulation (EC) No 338/97 for which the introduction of hunting trophies into the EU is prohibited

Species	Source(s) covered	Specimen(s) covered	Countries of origin
<i>Capra falconeri</i> (Markhor)	Wild	Hunting trophies	Uzbekistan
<i>Hippopotamus amphibius</i> (Hippopotamus)	Wild	Hunting trophies	Cameroon (except for 10 hunting trophies), Mozambique
<i>Canis lupus</i> (Grey wolf)	Wild	Hunting trophies	Belarus, Mongolia, Serbia, Tajikistan, FYRoM, Turkey
<i>Panthera leo</i> (Lion)	Wild	All (including hunting trophies)	Benin, Burkina Faso, Cameroon, Ethiopia
<i>Ursus arctos</i> (Brown bear)	Wild	Hunting trophies	Canada (British Columbia), Kazakhstan
<i>Ursus maritimus</i> (Polar bear)	Wild	All (including hunting trophies)	Canada (subpopulations Baffin Bay, Kane basin)
<i>Ursus thibetanus</i> (Himalayan Black Bear)	Wild	Hunting trophies	Russia
<i>Loxodonta africana</i> (African elephant)	Wild	Hunting trophies	Cameroon, Mozambique, Tanzania
<i>Falco cherrug</i> (Saker Falcon)	Wild	All (including hunting trophies)	Bahrain

EU as a transit region

The EU is, in addition to an end market for illegal wildlife products, also a **region through which significant volumes of some of these products transit**, particularly **between Africa and Asia**.

Illegal wildlife products are moved through the EU via its ports, airports and, increasingly, mail centres. They include ivory, rhino horns, pangolin scales and dead seahorses (see Box 4).

Box 4 - Some significant recent seizures of illegal wildlife products in transit through the EU

- In 2012, the Belgian authorities intercepted 60 kg of ivory being exported from Belgium to Vietnam. Concealed in wooden clocks, it was detected when a shipment of personal effects was x-rayed. A subsequent search of the sender's premises revealed a further 100 kg (approx.) of ivory in another shipment of antique clocks which had already been prepared for export to Vietnam.
- A total of 16 000 dead seahorses (*Hippocampus* spp., Appendix II to CITES/Annex B to Regulation (EC) No 338/97) were seized from postal parcels at airports in Germany in transit from Peru to Hong Kong in May 2013.
- In March 2014, a total of 152 ivory carvings from Kenya and Nigeria were seized from postal parcels in Germany destined for Hong Kong.
- Between January and July 2014, ivory was seized on five occasions (three at Prague Airport, two at Frankfurt Airport) from Vietnamese nationals living in the Czech Republic and travelling from the Czech Republic to Vietnam. The total weight of ivory involved was 183.3 kg.

- In July 2014, 250 kg of pangolin scales (*Manis* spp., Appendix II to CITES/Annex B to Regulation (EC) No 338/97) detected in air freight were seized in France in transit from Nigeria to Laos.
- In November 2014, about 30 kg of rhino horns were seized in a UK airport after being detected in air freight travelling from Nigeria to China.
- In May 2015, the French customs authorities at Roissy Airport seized 37 pieces of raw ivory (totalling 135.6 kg), intended for shipment to Vietnam.

Between 2011 and 2014, Member States reported seizures of around 4500 ivory items (tusks, carvings, pieces of ivory, etc.) reported as specimens and an additional 780 kg (approx.) as reported by weight. Most was in transit from various African countries to Asia, particularly China, Hong Kong SAR and Vietnam.

So far, the most prominent case of organised criminals using EU countries as transit points for wildlife products is that of the '**rhino pseudo-hunters**'. This network hired 'pseudo-hunters' bringing back rhinoceros trophies from South Africa to the Czech Republic and Slovakia. The horns were subsequently smuggled out of the EU to Vietnam (see case study 4 in the annex to this document).

EU as a source or export region

The EU is also a **source or export region** for wildlife products exported illegally to non-EU countries. This facet of the problem is often underestimated, particularly by enforcement agencies, which tend to focus instead on checking goods imported into the EU or in transit through it.

One of the most serious problems the EU currently faces as a source region for illegal export of wildlife is the **large-scale smuggling of European eels** (*Anguilla anguilla*).

A. anguilla is classed as 'critically endangered' on the IUCN Red List, and indicators show that its population has fallen by 90% since the 1960s/70s⁵². To enable the eel stock to recover, the EU has adopted a specific Regulation⁵³. The species is also included in Appendix II to CITES and Annex B to Council Regulation (EC) No 338/97 (see section 3.2). Given the poor situation of the stock, commercial trade in all commodities of *A. anguilla* to and from the EU was banned in December 2010 under Council Regulation (EC) No 338/97.

Since the CITES listing of *A. anguilla* came into force in March 2009 - and in particular since December 2010 - TRAFFIC has regularly analysed CITES data, customs data and East Asian eel farming data, seizures and information from traders, to monitor the trade situation for the European Commission. The data and information collated suggest that 7 - 20 tonnes of juvenile *A. anguilla* (also called glass eels or live eel fry) were exported illegally to East Asia each year between 2012 and 2015 so that they could grow to maturity on farms in mainland

⁵² Jacoby, D. and Gollock, M. 2014. *Anguilla anguilla*. The IUCN Red List of Threatened Species 2014: e.T60344A45833138. <http://dx.doi.org/10.2305/IUCN.UK.2014-1.RLTS.T60344A45833138.en>. Downloaded on 26 January 2016.

⁵³ COUNCIL REGULATION (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel

China. According to the same sources, *A. anguilla* glass eels have sold at EUR 1200-1500/kg in East Asia in recent years⁵⁴.

Seizure information⁵⁵ reveals an illegal trade in *A. anguilla* glass eels on a commercial scale through air freight (glass eels are either hidden in shipments of other fishery products or mislabelled), and, increasingly, through smuggling smaller quantities in personal luggage. For example, in February 2014 Portuguese authorities seized two live glass eel shipments totalling 272 kg (estimated at a value of up to EUR 400,000 in China)⁵⁶. These were hidden among other goods, in air freight in transit to mainland China. In January 2015, the Bulgarian authorities seized 37 kg of glass eels at Sofia Airport from the luggage of two Chinese citizens arriving from Spain and on their way to mainland China. One month later, the French authorities seized air freight containing 120 kg of glass eels reportedly originating in the UK and bound for Hong Kong.

The illegal trade in glass eels involves direct movement from the main EU source countries (France, Spain, the UK and Portugal) to East Asia (particularly Hong Kong and mainland China), but many other EU Member States and neighbouring countries have been, or are believed to be, used as transit countries. They include Bulgaria, Greece, Hungary, Albania, the Former Yugoslav Republic of Macedonia (FYROM), Morocco and Russia. In 2011-2012, a Spanish operation led to total seizures of 1500 kg of glass eels valued at over EUR 1.6m and the arrest of 14 people. The international smuggling network involved nationals from and/or illegal activities in Belgium, Bulgaria, Portugal, Romania and Spain.

Ivory items originating in the EU also feature among the items illegally exported to Asia. Under EU law, re-export from the EU may be authorised for antique ivory ('worked' specimens acquired before 3 March 1947) and pre-Convention ivory (defined as 'raw' or 'worked' specimens acquired before the date on which CITES became applicable to them, i.e. 26 February 1976 for African elephants and 1 July 1975 for Asian elephants). The growing Asian demand for ivory has boosted both the legal and the illegal export of ivory items from the EU. Most were imported into the EU well before international trade in ivory began to be regulated through the CITES Convention ('pre-Convention items').

In 2014 the European Commission commissioned a report by TRAFFIC on this issue⁵⁷. Together with trade data compiled subsequently, it serves as a basis for the findings set out here.

Although it is difficult to ascertain the exact scale of the illegal trade in old ivory items, it seems to have expanded in recent years. As stated in TRAFFIC's report, there are cases of Chinese buyers purchasing antique ivory items legally in the EU with the intention of then illegally exporting them to China with the aim of selling them. For example, in January 2013 two men were arrested at Shanghai airport for attempting to smuggle 37 ivory items reportedly purchased at auction houses, antique fairs and shops from France to China.

⁵⁴ Shiraishi, H. and Crook, V. (2015). Eel market dynamics: an analysis of Anguilla production, trade and consumption in East Asia. TRAFFIC. Tokyo, JAPAN., and various articles in Nihon Yoshoku Shimbun, Japanese aquaculture industry newspaper

⁵⁵ Provided to the European Commission by EU Member State Authorities

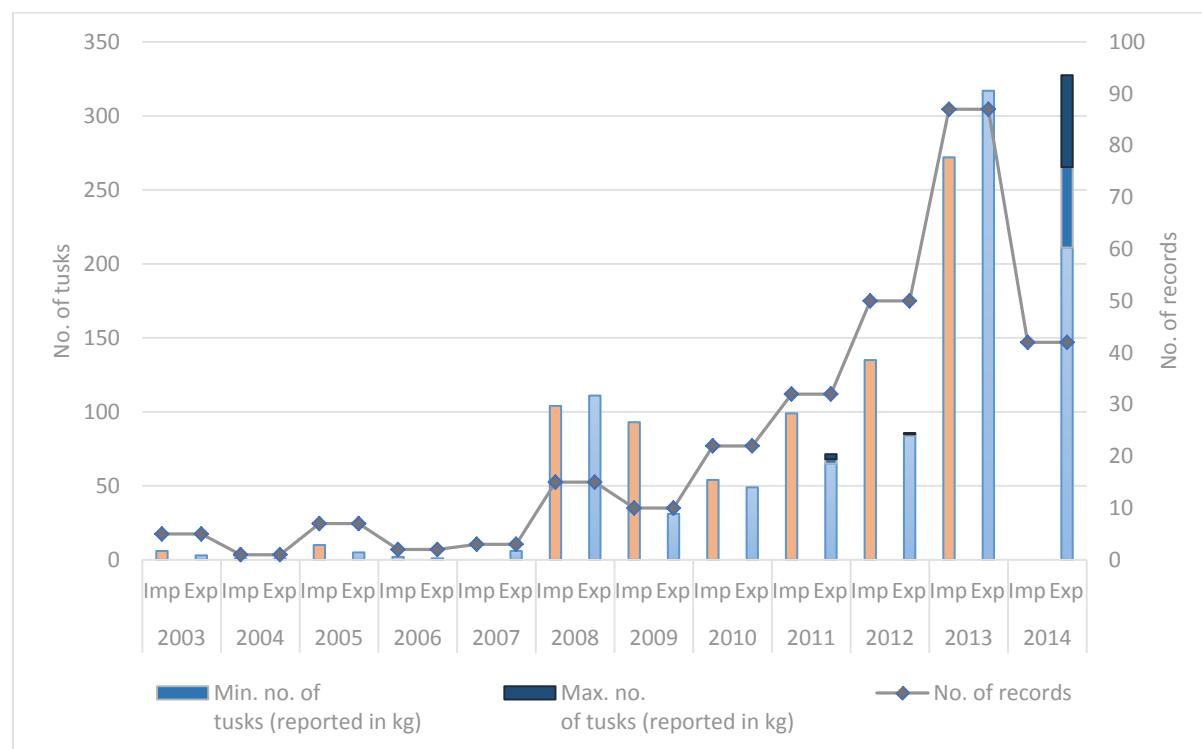
⁵⁶ Seizure reports from Portuguese Authorities

⁵⁷ Mundy, V. (2014). *The Re-export of pre-Convention/antique ivory from the European Union*. Report prepared for the European Commission, available under http://ec.europa.eu/environment/cites/pdf/Ivory%20report_Nov%202014.pdf

Furthermore, in June 2013 a Chinese antique dealer was sentenced to seven years imprisonment for attempting to smuggle 14 ivory figurines purchased in Paris⁵⁸.

In addition to illegal export, legal exports of 'pre-Convention' ivory items have risen considerably since 2007, with the highest numbers recorded in 2014. According to CITES trade data for 2003-2014, legal commercial re-exports of pre-Convention ivory have risen gradually since 2007. Re-exports from the EU of both worked ivory (carvings) and raw ivory (tusks, ivory pieces and ivory scraps) have increased, with re-exports of tusks rising particularly fast after 2007 (see Figure 3). Between 2003 and 2014, 92% of EU re-exports of pre-Convention ivory tusks (for commercial purposes) were imported by China or Hong Kong. Over this period, 2.8 tonnes of raw ivory (ivory pieces, tusks) were re-exported, 99% from 2007 on. In addition, 4.1 tonnes of worked ivory (carvings) were re-exported, 87% between 2011 and 2014. Moreover, between EU countries reported that 3-6.5 tonnes of whole tusks were re-exported between 2008 and 2014. Re-exports of raw ivory grew during this period.⁵⁹

Figure 3: Re-export of pre-Convention raw ivory (tusks) from the EU for commercial purposes, 2003-2014



Source: CITES Trade Database (Dec 2015)

Abbreviations: Imp – Importer-reported quantities, Exp – Exporter-reported quantities

Notes: Importer data from non-EU Member States are not available for 2014 at the time of writing. For the number of records, data reported by the exporters were used. Records reported as kg were also included to represent the total minimum and maximum number of tusks that may have been re-exported by EU countries in 2014. Ivory reported in kg was converted into tusks on the basis of a range of 3.5 kg – 7.5 kg per tusk (T. Milliken, TRAFFIC, pers. comm., 16.8.14). In 2014 a large share of the trade was reported in kg.

⁵⁸ Mundy, V. (2014). *The Re-export of pre-Convention/antique ivory from the European Union*. Report prepared for the European Commission, available under http://ec.europa.eu/environment/cites/pdf/Ivory%20report_Nov%202014.pdf

⁵⁹ This accounts for the re-export of tusks recorded as 'tusks' (and not kgs) by EU Member States, and for which an estimate of the overall weight can be made using a conversion factor whereby the average weight of a tusk ranges from 3.5 to 7.5 kg

The main reason for the rising exports referred to above is the commercial activities of companies specialised in collecting old ivory items in the EU to export them to Asia. While such transactions are legal under the current rules, the increasing volume of ivory shipped to Asia has led to concerns that it could fuel a demand for ivory which in turn could drive elephant poaching in source countries. Another challenge is that although applicants for export or re-export permits must prove the legal origin of the items and EU countries scrutinise such applications carefully, it is often difficult to distinguish pre-Convention or worked specimens (which can be legally re-exported from the EU) from other ivory items (for which such export is banned). Some EU Member States (the Czech Republic, France, Germany, the Netherlands, Slovakia, Sweden and the UK) have decided against issuing certificates for the re-export of raw ivory items and have called on the Commission to promote a similar approach across the EU, as has been done for rhinoceros horns⁶⁰ (see related action 2).

Data on the estimated average price per kg of ivory tusks between 2012 and 2014 must be viewed with caution, as these figures are based on specific price information provided by only two Member States (Austria and France) to the Commission, and it is not always clear which stage of the value chain these values represent⁶¹.

Using these estimates, **the total value of ivory tusks re-exported from the EU was estimated at:**

- approx. EUR 205,000 in 2012 (based on Austria's 2012 average price of EUR 438 per kg)
- approx. EUR 707,000 in 2013 (based on Austria's 2013 average price of EUR 405 per kg).
- approx. EUR 814,000 in 2014 (based on an average of Austria's and France's approximate prices for raw ivory per kg in 2014, EUR 512 and EUR 525 respectively).

That figure represents only the value of re-exported tusks. To obtain a comprehensive overview of the value of all legal exports of ivory from the EU, the value of the other ivory items exported should be added. However, due to lack of available data, this could not be done for the present document.

Finally, there are serious concerns about the **illegal killing and related trade in bird species in the EU**.

Although the Birds Directive is over 35 years old, illegal activities such as illegally killing, trapping or trading in birds persist. They are instrumental in preventing the objectives of this Directive and the Target 1⁶² of the Biodiversity Strategy of the EU⁶³ from being achieved. While illegal killing of birds is not the most significant threat to birds overall, it can badly

⁶⁰ http://ec.europa.eu/environment/cites/pdf/guidance_rhino_horns.pdf

⁶¹ According to Austrian figures, the average price per kg of ivory in 2012 was roughly EUR 438. This fell somewhat in 2013 to about EUR 405, but in 2014 it rose again to about EUR 512 per kg. Figures provided by France give the average price per kg in 2014 as EUR 525.

⁶² The first target of the EU Biodiversity Strategy is about Conserving and Restoring Nature.

⁶³ See the European Union Biodiversity Strategy to 2020 <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0244&from=EN>

affect bird populations in specific cases (specific species or regions) and the Commission regularly receives complaints about the illegal killing, trapping or trading of birds in the EU (e.g. poisoning of birds of prey in Hungary⁶⁴, the illegal trapping of passerines in Cyprus⁶⁵ and consumption in restaurants, with trapped birds being served as delicacies in Italy^{66 67}). Authorities have also uncovered instances where eggs are illegally imported or collected on a large scale, for instance in Belgium⁶⁸ and Finland⁶⁹. While comprehensive quantitative information on the impact on specific species or populations, and on which countries/locations may be most at risk is still lacking, such information does exist on specific practices. For example, Birdlife has recently provided a first analysis⁷⁰ of the magnitude of the illegal killing of birds in the Pan-Mediterranean region. It estimates that 11-36 million birds may be illegally killed/taken per year, with some of these ending up in illegal trade.

A report produced for the Commission in 2011 gave an overview of illegal practices regarding the killing and trapping of and the trade in birds within the EU, as reported by Member States⁷¹. Some practices are still widespread throughout the EU, while others are reported in a few Member States only.

1.3.2 Drivers/facilitators of wildlife trafficking in the EU: sustained demand and insufficient awareness (linked to Actions 1, 6, 7)

The EU is an important market for illegal wildlife products, mainly because of EU consumers' **sustained demand** for a variety of wildlife products.

Demand for rare live birds and reptiles in the EU seems to play a particularly significant role in driving illegal imports. Their high prices generate significant profits and attract criminal networks. The illegal trade in exotic pets, especially in live reptiles, has received increased attention, with the EU appearing as an important consumer region and thus driver of this trade⁷². This includes species which, though not covered by the CITES Convention, are protected nationally. Exporting them thus breaks the law of their country of origin. But in the absence of an appropriate legal basis through a CITES listing, EU Member States are not always able to seize these species once they are on the EU market⁷³. In addition, in many cases tourists bring back parts of CITES-listed species, or products derived from them, without the necessary export or import permits. Low consumer awareness of the rules governing the wildlife trade and of the seriousness of the issue also facilitates the illegal trade in wildlife products.

This lack of awareness is prevalent amongst many different groups of stakeholders.

⁶⁴ http://ec.europa.eu/environment/life/project/Projects/index.cfm?fuseaction=search.dspPage&n_proj_id=4043

⁶⁵ http://www.birdlife.org/sites/default/files/attachments/01-28_low.pdf (page 15)

⁶⁶ http://www.birdlife.org/sites/default/files/attachments/01-28_low.pdf (page 9)

⁶⁷ <http://www.komitee.de/en/actions-and-projects/species-protection/wild-bird-trade/hungary-dead-song-birds-seized>

⁶⁸ <https://cites.org/sites/default/files/eng/news/sundry/2014/COURT%20OF%20FIRST%20INSTANCE%20EAST%20FLANDERS%20PRESS%20RELEASE%2027%20June%202014.pdf>

⁶⁹ <http://www.hs.fi/kotimaa/a1424416509297>

⁷⁰ <http://www.birdlife.org/illegal-killing>

⁷¹ BIO Intelligence, Stocktaking of the main problems and review of national enforcement mechanisms for tackling illegal killing, trapping and trade of birds in the EU

⁷² ENDCAP (2012) *Wild Pets in the European Union*, available at <http://endcap.eu/wp-content/uploads/2013/02/Report-Wild-Pets-in-the-European-Union.pdf>.

⁷³ Altherr, S (2014): *Stolen Wildlife – Why the EU needs to tackle smuggling of nationally protected species*. Report by Pro Wildlife, Munich, Germany, pp. 29.

While environment ministries often rightly identify wildlife trafficking as a major factor in biodiversity loss, policymakers generally lack awareness of its adverse impact on the economy and the rule of law, and of its links with organised crime and national security. Respondents participating in the stakeholder consultation which the Commission launched in February 2014⁷⁴ generally rated the EU regulatory framework as adequate in terms of tackling the illegal trade in wildlife products from, to and through the EU. However, most identified its patchy, inadequate implementation and enforcement as one of the main shortcomings in existing EU policy to combat wildlife trafficking. Accordingly, the main purpose of an EU Action Plan was seen as demonstrating political commitment to tackling the problem.

Another aspect of this low awareness is the relatively limited involvement of the **business sector** so far in combating wildlife trafficking. The main private sector players affected by wildlife trafficking include those trading legally in wildlife products (e.g. importers, exporters, breeders, the pet industry, the luxury industry using reptile skins or caviar, the timber industry, auction houses, antique shops, hunters and zoos), the tourism sector, and those involuntarily facilitating the illegal wildlife trade (e.g. transport companies, online platforms, courier companies). Responses to the Commission stakeholder consultation stressed the importance of reaching out to the private sector active in wildlife harvesting, trading and processing.

In a few areas, the business sector has taken steps to develop a proactive corporate policy to promote a legal, sustainable trade in wildlife. The timber industry, for instance, has developed certification schemes for legal timber. Another example is the policy agreed by the European Association for Zoos and Aquariums (EAZA), which represents 377 zoos and aquaria in 43 countries throughout Europe and the Middle East. The benefits of EAZA membership include the opportunities it provides to acquire animals from other members; technical support; comparison of marketing opportunities between members; increased training opportunities for members; and improved networking opportunities. In exchange, EAZA members must meet stringent requirements including ‘compliance with national and international legislation regarding animal and plant acquisition, possession and transport’. All organisations must be screened before they can be accredited as EAZA members - which can take over a year - and they can be suspended if they break any of the rules.

Some EU Member States have also been active in engaging with relevant business sectors. For example, in 2011 and 2012 Finland sent specific written guidance to non-commercial tortoise breeders, caviar producing and packing plants, hunters, and guitar makers. Since 2011 Belgium’s CITES Management Authority has issued detailed information on CITES regulations to antique dealers, auction houses, taxidermists, tropical timber importers, and keepers/breeders of birds of prey, parrots and tortoises. It has also held discussions with charity shops to establish guidelines on CITES products that may be donated. In 2013, the German Bundesamt für Naturschutz (BfN) handed out leaflets at the Vintage Guitar Show to inform musicians, wholesalers, luthiers and wood trading operations about the legal requirements covering CITES-protected wood types.

⁷⁴ This and all further references to the Commission's 2014 stakeholder consultation refer to COM (2014) 64 launching a consultation on the EU approach against wildlife trafficking. The results are summarized in SWD (2014) 347.

The UN World Tourism Organisation recently highlighted the potential for engaging the tourism sector (especially tour operators from Europe and Africa) in efforts to combat wildlife trafficking⁷⁵.

A study commissioned by the Commission in 2015 on input and ideas for further developing cooperation with relevant business sectors to prevent wildlife trafficking in the EU found that, apart from the reptile skin industry associated with the luxury sector, there are only a few business-led initiatives or public-private partnerships in that field in the EU (see Box 5)⁷⁶.

Box 5: Main findings of the study 'Strengthening cooperation with business sectors against illegal trade in wildlife', conducted by Ricardo AEA and TRAFFIC for the European Commission

The study focused on:

- sectors involved in importing wildlife products into the EU (i.e. luxury industry; pet sector; and traditional Chinese medicine – TCM);
- sectors facilitating trade in the EU (transport, courier and online trading).

In relation to each of these sectors, this study found that:

- The *luxury industry* has a relatively small number of companies dealing in exotic skins. Several luxury brands are owned by larger firms that also own tanneries and farms for breeding animals in captivity. In 2012, the volume and value of skin imports were the second highest among all CITES-listed wildlife commodity imports (excluding caviar extract). The value of this trade exceeded an estimated EUR 167m in 2012, with reptiles representing most of the estimated value (92%).

However, less is known about private sector engagement as regards other luxury products, such as furs, shahtoosh, ivory and caviar. The luxury industry has a high level of commitment to preventing trafficking in the reptile skins it uses and has established several ongoing initiatives to address potential issues. The Python Conservation Partnership is a good example of a business-led initiative to ensure the legal and sustainable sourcing of python skins, which is embedded in a wider corporate social responsibility policy of ensuring sustainability.

- Business engagement in the *wildlife-pet sector* appears low, even though the EU is among the world's largest importers of live reptiles. The pet sector has been strongly criticised in connection with animal welfare, so much of its action has focused on this issue. Given this focus, there seems to be relatively little awareness that wildlife trafficking is a serious problem and that the sector could do a great deal to tackle it. However, there are signs that it may be possible to promote more active engagement, which may create opportunities for addressing traceability issues.
- It is not easy to assess business engagement in tackling wildlife trafficking in the *Traditional Chinese Medicine (TCM) sector*. This project contacted eight major EU TCM associations and federations, hoping to enquire about their efforts - or those of their members – in tackling illegal wildlife trafficking. The two replies received stated that illegal wildlife products were not relevant to their operations.

The UK "Operation Charm" (OC) includes an apparently rare example of business sector engagement by TCM associations and companies. It is clear from Operation Charm, and evidence from the TCM sector in general, that anti-wildlife trafficking efforts in the sector have focused on

⁷⁵ Towards measuring the Economic Value of Wildlife Watching Tourism in Africa – Briefing Paper, UNWTO, Madrid. 2015

⁷⁶ Smithers, R., Osborn, T., Whiteley, G., Kecse-Nagy, K., Goba, V (2015). Strengthening Cooperation with Business Sectors against Illegal Trade in Wildlife. Report for the European Commission.

awareness raising. Although research has attempted to find EU-wide business efforts related to the sector, little is known about whether or not any efforts are currently being made elsewhere in the EU, particularly as regards to ongoing efforts. Various EU-based manufacturers of herbal products, particularly in the UK, are using the FairWild certification scheme to source selected wild plant ingredients.

- *Transport companies* have done little to tackle wildlife trafficking, although recently efforts have been renewed as regards air transport, globally at least⁷⁷. More targeted efforts to address wildlife trafficking generally focus on discussing and identifying possible action. They are still at an early stage, and concrete measures have yet to be planned. Wildlife trafficking is, in general, a relatively new issue for the transport sector. EU-based airlines have paid little attention to the issue, so existing anti-wildlife-trafficking measures still have many shortcomings. Several airlines have individually banned certain wildlife products on their aircraft.
- Many *couriers* maintain their own cargo operations, so there is a clear overlap with the activities of transport companies. Until very recently, courier companies have made very little effort to tackle wildlife trafficking. Globally, several NGOs have stepped up their efforts to raise awareness of wildlife trade issues among courier companies and attempted to define measures they can implement. To date, however, EU-based courier businesses have played a minimal role in tackling wildlife trafficking.
- *Online trading* has boomed over the last 20 years, but does not appear to have been matched by business efforts to stop the trade in illegal wildlife products. Online trading companies' existing wildlife trade policies vary widely, from simply displaying a short statement to providing links to national legislation, while others, such as eBay, have more comprehensive policies. However, customer access to relevant wildlife policies often requires considerable effort. This could be made easier through existing online systems.

Many businesses that do have clear wildlife trade policies appear to do relatively little to enforce them. The listings of many wildlife products clearly breach company policy. Capacity issues related to enforcement of wildlife policy, including an ability to identify coded descriptions of wildlife products, and the identification of such products, clearly limit the enforcement of business policy. Businesses do not appear to pass cases on to law enforcement agencies, though they do take action and provide relevant information if they receive a direct request from these agencies.

2. The impact of wildlife trafficking

2.1 Impact on biodiversity

Wildlife trafficking, along with habitat loss, climate change and the spread of invasive species, ranks among the most serious threats to biodiversity worldwide.

UNEP has comprehensively analysed the environmental impact of the illegal trade in wildlife and wildlife products. The report, prepared in implementation of a 2014 resolution by the United Nations Environmental Assembly (UNEA), will be considered by governments at UNEA's second session in May 2016.

Primarily, wildlife trafficking has a direct impact on target species. These species are often already threatened and wildlife trafficking represents an additional stress which contributes to their overexploitation. An illegal and unsustainable offtake reduces population to such an extent that the species' long-term survival may be jeopardised. In the most extreme cases, such pressures can lead to the extinction of the target species (as with the Western Black

⁷⁷ See e.g. <http://airlines.iata.org/analysis/fighting-the-illegal-wildlife-trade>

rhinoceros, for example, declared extinct in 2011, with poaching listed as the primary cause). For more information on the impact of wildlife trafficking on target species, see point 1.1. above.

Wildlife trafficking can be very harmful to target and non-target species alike (for example when illegal logging destroys flora and fauna habitats, depending on the forest environment concerned, or when non-selective fishing results in by-catches of other marine species).

Beyond this direct impact, the loss of wild fauna and flora linked to wildlife trafficking can change the patterns of whole ecosystems. Such loss can affect their balance, undermining their function and the services they provide, which are essential for the survival of many other wild plants and animals. For example, forest elephants are key seed dispersers, so if numbers decline through poaching, forest regeneration is affected⁷⁸. The illegal trade in live animals and plants also avoids any sanitary, veterinary and health controls and may spread diseases and invasive species. This can have unexpected detrimental consequences for other species.

The information already available indicates that the adverse impact of wildlife trafficking on biodiversity calls for action by the EU to implement its commitments under its 2020 Biodiversity Strategy, especially target 6, which requires the EU to do more to avert global biodiversity loss under the Convention on Biological Diversity and other programmes⁷⁹.

Wildlife trafficking is also a factor in **biodiversity loss in the EU**, along with other, greater threats, such as land-use change, over-exploitation of biodiversity and its components, the spread of invasive alien species, pollution and climate change. Wildlife trafficking has a particularly serious impact in the EU on species that are already under considerable pressure, with poaching and subsequent trade representing a further stress. This applies to European birds and the European eel, for example (see point 1.3 above).

2.2 Economic impact of wildlife trafficking

Impact on legal trade

Wildlife trafficking has an adverse impact on operators trading legally in wildlife or wildlife products in compliance with the relevant international, EU or national rules.

The global wildlife trade was estimated at USD 323bn in 2009⁸⁰, including timber, fish (not from aquaculture), wild animals and plants.

The EU is an important market for legal wildlife products, and a major exporter (including timber, non-farmed fish, wild animals and plants). EU trade in wildlife products is estimated at about EUR 100bn⁸¹.

⁷⁸ Abernethy KA, Coad L, Taylor G, Lee ME, Maisels F. 2013. Extent and ecological consequences of hunting in Central African rainforests in the twenty-first century. *Phil Trans R Soc B* 368: 20130494. <http://dx.doi.org/10.1098/rstb.2013.0494>

⁷⁹ For the state of play as regards the implementation of the Biodiversity Strategy, see the mid-term review, COM (2015) 478. The Council Conclusions on the report welcome the development of an EU Action Plan against wildlife trafficking (see: <http://www.consilium.europa.eu/en/meetings/env/2015/12/16/>)

⁸⁰ TRAFFIC. (2015). See: <http://www.traffic.org/trade/>

In 2013, EU countries reported about 95,000 import transactions and 200,000 export transactions of specimens of species covered by Council Regulation (EC) No 338/97⁸². For CITES-listed animals (excluding caviar extract), the value of EU imports in 2013 was estimated at EUR 582m, whereas the value of EU exports was estimated at more than twice that value (approximately EUR 1.4bn). The main traded commodities are live plants, leather products (1.2 million reptile skins were imported), live animals (one million animals were imported and 133,000 live birds were exported in 2013), and caviar.

Legal and illegal wildlife trade sometimes takes place in parallel to one another. Operators trading wildlife products in the EU (e.g. importers, exporters, breeders, the pet industry, luxury industries using reptile skins or caviar, the timber industry, auction houses, antique shops, hunters, zoos) face unfair competition from illegal traders in wildlife products that avoid supervision or checks, sometimes selling at much lower prices than on the official market. Perhaps more importantly, the behaviour of illegal operators all too often tarnishes the sector's image, to the detriment of legal traders. This reputational damage may deter potential customers.

Impact on tourism and government revenue in source countries

Wildlife trafficking also has a particularly strong impact on countries whose economy relies largely on **nature-based tourism**, where wildlife is the main attraction and consequently a considerable economic asset. The destruction of wildlife translates directly into irreversible economic losses.

Finding reliable up-to-date statistics on nature-based tourism is challenging. The limited data available are often contradictory. Most data on tourism's share of GDP draws no distinction between general tourism (cultural heritage, business tourism, diaspora tourism) and nature-based tourism. However, the latter probably accounts for a significant proportion of tourism in sub-Saharan Africa, particularly in southern and eastern Africa. In 2004, 50% of Africa's nature tourists and 60% of the resultant revenue went to South Africa⁸³. A further distinction should be drawn between wildlife-based tourism (visiting protected areas and conservancies, birding tours, etc.) and beach tourism.

The number of visitors to sub-Saharan Africa has grown over 300% since 1990, with 33.8 million tourists visiting the region in 2012. In 2012, revenue from tourism exceeded US\$ 36bn, directly contributing just over 2.8% to the region's GDP. Five per cent of jobs in sub-Saharan Africa are in travel and tourism.

Box 6: Tourism's share of GDP in selected African countries⁸⁴:

- > 8%: Tanzania, Zimbabwe, Namibia.
- 4-8%: Ethiopia, Kenya, Uganda, Rwanda, Botswana, Madagascar
- 2-3.9%: South Africa, Mozambique, Senegal, Mali, Ghana, Togo, Benin.
- 1-1.9%: Sierra Leone, Burkina Faso, Niger, Cameroon.

⁸¹ Engler, M. and Parry-Jones, R. (2007). *Opportunity or threat: The role of the European Union in global wildlife trade*. TRAFFIC Europe, Brussels, Belgium.

⁸² 2013 data on EU trade in species included in Council Regulation (EC) No 338/97 from *EU wildlife trade: Analysis of the European Union and candidate countries' annual reports to CITES 2013*. UNEP-WCMC, Cambridge, available under <http://euanalysis2013.unep-wcmc.org/>

⁸³ Scholes RJ, Biggs R (2004) *Ecosystem services in southern Africa: a regional perspective*. Pretoria: Council for Scientific and Industrial Research.

⁸⁴ *Tourism in Africa: Harnessing tourism for growth and improved livelihoods*. The World Bank, 2013.

Iconic species such as the mountain gorilla have enormous potential for contributing to national economies. Rwanda had over a million visitors between 2006 and 2013, with its national parks alone generating USD 75m in tourism revenue. Eighty-five percent of this is from trekkers attracted by the country's mountain gorillas. In Uganda, a single family of gorillas can generate over USD 500,000 annually from the sale of gorilla permits. Bwindi National Park generates USD 15m/year from gorilla visits. Additionally, tourists spend a similar amount on accommodation, transport and other services⁸⁵. Although the three countries that share the mountain gorilla population (Democratic Republic of Congo, Uganda, Rwanda) have been in conflict with each other for most of the past 30 years, they have consistently worked together to protect this economically important species. The gorilla population has risen steadily throughout this period. Without the economic benefits provided by gorilla tourism, the species would probably be on the brink of extinction by now.

Some flagship protected areas generate very large revenues: in 2009, the Northern circuit at Serengeti-Ngorongoro received 300,000 tourists on the 300 km stretch between Arusha and Serengeti⁸⁶. The total inbound tourism expenditure generated at this destination is USD 500m per year - over half of Tanzania's foreign exchange earnings from tourism. If wildlife trafficking continues on the current scale, depleting national parks of iconic species, this revenue will shrink significantly.

Finally, the non-payment or underestimation of tax and customs duties by illegal traders also **deprives governments of income**. Though hard to quantify such losses are likely to be considerable, given the large volume and high value of smuggled wildlife commodities. This has a major adverse impact, especially in developing countries. Finally, paying for tougher law enforcement measures, such as more rangers and patrols, is an additional burden.

2.3 Impact on governance and the rule of law

Corruption and wildlife trafficking are closely linked, as section 1.2.3 shows. In many cases, it is corruption that enables wildlife trafficking to flourish. Conversely, wildlife trafficking creates an environment conducive to corruption, which can undermine the proper functioning of state institutions.

The examples below illustrate how corruption associated with wildlife trafficking can facilitate impunity and erode state institutions⁸⁷:

- Hunting groups evading national and international regulations thanks to the protection of local patrons;
- Bribery of public officials to avoid paying tax, duties, tariffs and other fees;
- Illegal payments to avoid investigations or prosecutions, or to obstruct justice;

⁸⁵ Towards measuring the Economic Value of Wildlife Watching Tourism in Africa – Briefing Paper, UNWTO, Madrid. 2015.

⁸⁶ Mitchell, J., Keane, J. and Laidlaw, J. (2009) *Making Success Work for the poor: Package tourism in Northern Tanzania*. Overseas Development Institute, Arusha, Tanzania.

⁸⁷ Examples taken from "Wildlife crime and corruption", U4 Expert answer operated by Transparency International, 2013 (available at http://www.transparency.org/files/content/corruptionqas/367_Wildlife_Crimes_and_Corruption.pdf) and "the Wildlife and Forest Crime Analytic Toolkit", UNODC (2012) (available at https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf)

- Illegal payments or use of personal relationships to obtain favourable sentences in court.

As a result, corruption undermines not only governments' best efforts to protect wildlife and regulate trade effectively, but also the institutions responsible for implementation. This obstructs the full development of transparent, ethical and effective government institutions. In some cases, huge profits from wildlife trafficking help maintain or increase collusion between organised crime networks and government representatives at the highest level, weakening fragile institutions and the rule of law.

2.4 Impact on national and regional security (linked to Action 32)

The links between wildlife trafficking and security in some regions have received increasing attention in recent years, especially as regards the role of wildlife trafficking in financing the operations of armed militias and possibly terrorist networks.

Rangers are on the front line in the fight against poaching and the first victims of criminal wildlife gangs. An estimated 1000 rangers have been killed in anti-poaching operations over the last decade⁸⁸.

Despite the significant knowledge gap as regards the scale of links between poaching and wildlife trafficking on the one hand and the funding of militias and terrorism on the other, there are reports confirming the existence of such links with several militia groups. Politically, the link has been acknowledged at the highest level in multilateral and bilateral frameworks. For example, the United States consider wildlife trafficking a 'threat to global security'⁸⁹. The Commission in its recently proposed Action Plan for strengthening the fight against terrorist financing acknowledges the importance of tackling wildlife trafficking as a source of funding.⁹⁰

The 2015 G7 Summit Declaration set out a commitment by the heads of state and government 'to combating wildlife trafficking, which is pushing some of the world's species to the brink of extinction and in some instances is being used to finance organised crime, insurgencies, and terrorism', thus acknowledging – once more - the impact of this form of trafficking on global security. Similarly, UN General Assembly Resolution 69/314 on tackling illicit trafficking in wildlife recognises that this form of trafficking threatens national stability in some cases.

In a report to the UN Security Council, the UN Secretary-General (UNSG), Ban Ki-moon, noted that 'poaching and its potential linkages to other criminal, even terrorist, activities constitute a grave menace to sustainable peace and security in Central Africa.'⁹¹ The same report warns that 'illegal ivory trade may currently constitute an important source of funding for armed groups' and 'poachers are using more and more sophisticated and powerful

⁸⁸ Nellemann, C., Henriksen, R., Raxter, P., Ash, N., Mrema, E. (Eds). (2014). *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*. A UNEP Rapid Response Assessment. United Nations Environment Programme and GRID-Arendal, Nairobi and Arendal

⁸⁹ US National Strategy for Combating Wildlife trafficking, 2014.

⁹⁰ COM (2016) 50.

⁹¹ Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas, 20 May 2013.

weapons, some of which, it is believed, might be originating from the fallout in Libya.⁹² Successive UNSG reports on the activities of the United Nations Regional Office for Central Africa note increasing links between elephant poaching, weapons proliferation and regional insecurity. The latest report⁹³ highlights 'the growing links between the illicit wildlife trade and armed groups in the sub-region, including the Lord's Resistance Army'.

The Security Council addressed the link between instability in the Democratic Republic of Congo and wildlife trafficking in the context of the sanctions applicable to those responsible for worsening the country's instability. Renewing the sanctions regime, the Security Council adopted Resolution 2198/2015, which targets individuals and entities supporting individuals or entities, including armed groups that are involved in destabilising activities in the Democratic Republic of the Congo through the illicit trade in natural resources, including gold, wildlife and wildlife products. The Resolution's preamble recalled 'the linkage between the illegal exploitation of natural resources, including poaching and illegal trafficking of wildlife, illicit trade in such resources, and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa'. Security Council Resolution 2196/2015 expresses concern that 'illicit trade, exploitation and smuggling of natural resources including gold, diamonds and wildlife poaching and trafficking continues to threaten the peace and stability of the Central African Republic'.

In this context, it is significant that the initial mandates of the UN peacekeeping missions in the Central African Republic⁹⁴ and Democratic Republic of Congo⁹⁵ included supporting the authorities in preventing armed groups from exploiting and trading in natural resources. The renewed mandates⁹⁶ of both missions maintain the link between instability and the use of natural resources by or for the benefit of armed groups.

The EU-UN Strategic Partnership on Peacekeeping and Crisis Management: Priorities for 2015-2018⁹⁷ also advocates stepping up cooperation on the illegal trade in wildlife as a priority among other cross-cutting issues of mutual concern, such as terrorism and transnational organised crime, including trafficking in drugs and arms.

At a recent informal meeting of the UN Security Council held on 30 November 2015, concerning the impact of the illicit transfer of small arms and light weapons on poaching in Africa, several Member States and stakeholders acknowledged the link between illegal exploitation and the trade in natural resources on the one hand, and the proliferation and trafficking of arms on the other, as a major factor in fuelling conflict in African countries.⁹⁸

Exactly how much ivory trafficking contributes to funding militia groups remains unclear. One report notes that, given extremely high levels of elephant poaching in the Kivu region over the last decade, ivory now contributes far less to militia funding than timber and

⁹² See also 'Kony's ivory: how elephant poaching in Congo helps support the Lord's Resistance Army', 2013.

⁹³ Report of the Secretary-General on the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa, 30 November 2015

⁹⁴ MINUSCA – UN Multidimensional Integrated Stabilisation Mission in the Central African Republic (Res. 2149/2014)

⁹⁵ MONUSCO – United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (Res. 1925/2010)

⁹⁶ MONUSCO - UNSC Res. 2211 (2015); MINUSCA – UNSC Res. 2217 (2015)

⁹⁷ Council Doc. 7632/15

⁹⁸ See on the links also <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2015/eng/Small-Arms-Survey-2015-Chapter-01-summary-EN.pdf>

charcoal⁹⁹. The fact that the Lord's Resistance Army (LRA) launches attacks near national parks in the triangle formed by the Democratic Republic of the Congo, Sudan and the Central African Republic seems to support reports by fighters in the Democratic Republic of Congo's Garamba National park of continued ivory trafficking by LRA leader Joseph Kony.¹⁰⁰

Beyond the Great Lakes region, the recently agreed EU Horn of Africa Regional Action Plan for 2015-2020¹⁰¹ acknowledges, in the context of 'regional security and stability', that the EU should seek to do more to help its partners investigate, detect and prosecute wildlife trafficking more effectively.

3. Action at global and EU level

3.1 Initiatives at global level (linked to action 33)

Wildlife trade is regulated at international level through the **CITES Convention**, a major international agreement that has been in force since 1975, now has 182 parties (including all EU Member States and since July 2015 the EU itself) and covers 35 000 animal and plant species. The main added value of the Convention is global protection for animal and plant species. The inclusion of a species in the CITES Appendices is often a very important step in raising public awareness of the fact that it is or might become endangered because of international trade. This can play an important role in reducing supply and demand for the species and keeping trade at sustainable levels. A CITES listing also creates an obligation for governments to control trade in the relevant products and seize them if they are traded in contravention of CITES provisions.

In addition, with the level of global policy concern about illicit wildlife trade arguably stronger now than at any time since the Convention entered into force, there is a strong focus on wildlife trafficking in its work. This translates in particular through the adoption by the CITES Conference of Parties and by the CITES Standing Committee of targeted recommendations designed to address specific shortcomings in the implementation of the CITES Convention. The CITES Standing Committee is tasked with monitoring how these recommendations are followed by CITES Parties and is empowered to adopt compliance measures, such as prohibition to trade in all CITES-listed products, in case of serious failure by a Party to comply with its obligations¹⁰².

One key example is the establishing of national ivory action plans required of eight countries implicated in the global illegal ivory trade: China and Thailand (end-use markets), Malaysia, the Philippines and Vietnam (transit countries) and Kenya, Tanzania and Uganda (source and exit points in Africa). These detailed, time-bound plans aim to address the illegal flow of ivory along the trade chain. The CITES National Ivory Action Plan process also identified a number of countries of secondary concern and importance that need to be watched. The process has become a valuable and practical tool that is being used by the parties to the Convention to strengthen controls on trade in ivory and ivory markets, and help combat illegal trade in ivory. Each plan outlines the urgent measures that a CITES party commits itself to taking (including legislative, enforcement and public awareness-raising, as required),

⁹⁹ MONUSCO-UNEP, 'Experts' background paper on illegal exploitation and trade in natural resources', 2015

¹⁰⁰ 'Tusk Wars', Enough Project, 2015

¹⁰¹ EU Council Conclusions on the EU Horn of Africa Regional Action Plan for 2015- 2020, Council Document 13363/15

¹⁰² See the list of CITES Parties subject to a recommendation to suspend trade:
<https://cites.org/eng/resources/ref/suspend.php>

along with specific timeframes and milestones for implementation. Significantly, countries are accountable for ensuring progress, with the threat of CITES trade restrictions for non-compliance.

CITES decisions in 2013¹⁰³ call on three of the countries at the centre of the rhino-poaching crisis (Mozambique, South Africa and Vietnam) to take firm action to address the surge in rhino-poaching and illegal trade. A key development is that countries will have to implement strategies to reduce demand for rhino horn. The recommendation to implement a demand-reduction strategy for an endangered species was a first for CITES and indicative of the more sophisticated approaches it is exploring to stem the tide of illegal killing.

In 2013, CITES also approved enhanced protection measures for tigers, including the gathering of information on incidents of poaching and illegal trade in all Asian big cats and analysing it at meetings of the CITES Standing Committee to ensure that CITES provisions on illicit tiger trade are implemented by all range and consumer states¹⁰⁴. The forthcoming 17th Conference of the Parties (CoP17) in September 2016 is also expected to focus on pangolins.

As ever, the real test of the positive action taken by CITES will be whether the governments concerned take effective action on the ground – and whether they are held to account if they fail to do so. The international community has a vital role to play in driving effective implementation by ensuring that there is a high degree of accountability where there is a lack of progress on parties' commitments and demonstrating that CITES does have 'teeth'.

Beyond CITES as the core convention, the topic of wildlife trafficking has attracted the attention of various bodies in the UN system. In 2013, the issue of illegal wildlife trade was discussed for the first time at the **UN General Assembly** and this led to the adoption at its 69th session in July 2015 of a Resolution committing countries to step up their collective efforts to address wildlife crime and put an end to the global poaching crisis. Resolution A/RES/69/314 on tackling the illicit trafficking in wildlife was co-sponsored by Gabon, Germany and over 80 other countries, including all EU Member States, and is the culmination of three years of diplomatic efforts. The Resolution encourages countries to 'adopt effective measures to prevent and counter the serious problem of crimes that have an impact on the environment, such as illicit trafficking in wildlife and wildlife products ... as well as poaching'. It also recognises the broader impact of wildlife crime, including the ways in which it undermines good governance, the rule of law and the well-being of local communities. Action along the entire trade chain is encouraged, with member states urged to treat wildlife trafficking involving organised criminal groups as a serious crime, implement anti-money laundering measures, establish national inter-agency wildlife crime task forces, strengthen judicial processes and law-enforcement efforts, prevent and counter corruption, and reduce the demand for threatened wildlife products 'using targeted strategies in order to influence consumer behaviour'.

The General Assembly Resolution builds on a Resolution passed at the first **UN Environment Assembly** (UNEA) in June 2014 following a joint EU-African Union initiative, which strongly encouraged governments to commit themselves to targeted action to eradicate the supply and transit of, and demand for, illegal wildlife products – a key focus of

¹⁰³ Decisions 16.84 to 16.92 Rhinoceroses (Rhinocerotidae spp.). See: <https://www.cites.org/eng/dec/valid16/217>

¹⁰⁴ See: <https://cites.org/sites/default/files/eng/cop/16/doc/E-CoP16-50.pdf>

UNEP's work with member states. The UNEA Resolution promotes zero-tolerance policies and the development of sustainable and alternative livelihoods for communities adversely affected by illegal trade.

These UN-based initiatives have been complemented by **high-level multilateral initiatives led by individual countries**. In February 2014, the UK Government convened the London Conference on Illegal Wildlife Trade, which was attended by heads of state, ministers and high-level representatives from the EU and 46 countries, including those most heavily impacted by poaching and illegal trade of wildlife. In a strongly-worded declaration, they undertook to take 'decisive and urgent action' to tackle global illegal wildlife trade and agreed strong measures to:

- eradicate the market for illegal wildlife products;
- strengthen law-enforcement efforts;
- ensure that effective legal frameworks and deterrents are in place; and
- promote sustainable livelihoods through positive engagement with local communities.

At a follow-up conference in Botswana a year later, participants adopted the Kasane Statement, reaffirming their determination to scale up their response to the global poaching crisis and adopting crucial new measures to:

- tackle money laundering and other financial aspects of wildlife crime;
- engage relevant rural community groups;
- engage further with the private sector, including logistics and transport companies; and
- renew efforts to understand the motivation and behaviour of consumers of illegal wildlife products.

A major step forward in the strengthening of enforcement efforts worldwide was the creation in 2011 of the **International Consortium on Combating Wildlife Crime (ICCWC)**, consisting of the CITES Secretariat, Interpol, UNODC, the World Bank and the World Customs Organisation (WCO). ICCWC pools the expertise of five international organisations on the basis that, by aligning their efforts, they could provide a catalyst for significantly enhanced global cooperation and capacity to combat wildlife and forest crimes. Key aims include long-term capacity-building (including the use of modern investigative techniques, such as deoxyribonucleic acid or DNA analysis) and improving international information and intelligence exchange, and thus the coordination of enforcement efforts. ICCWC has also provided support at the request of countries in specific emergency situations. The Commission is among its main donors, having provided EUR 1.7 million over three years. An important ICCWC product is the 'wildlife and forest crime analytic toolkit', designed to facilitate national assessments of the main issues relating to wildlife and forest offences, and to identify the preventive and criminal justice responses required at national level.

Individual countries have also significantly stepped up their efforts to counter wildlife trafficking in recent years. This includes some key source and market countries, such as the **United States** (like the EU an important market for illegal wildlife products), which has

created a Presidential Task Force and adopted a national strategy with a comprehensive action plan¹⁰⁵.

China has taken important steps recently to improve implementation and enforcement of its rules on wildlife trade, raise its citizens' awareness of wildlife trafficking and intensify cooperation with other countries on this issue. The main features of its policy on wildlife trafficking were set out in a 10-action-point programme presented by the State Forestry Administration in May 2015.

In September 2015, US President Barack Obama and Chinese President Xi Jinping issued a joint statement recognising the importance and urgency of combating wildlife trafficking, committing their countries to taking positive measures against it, including measures to restrict ivory trade, cooperating in joint training, technical exchanges, information sharing, public education, enhancement of international law-enforcement cooperation and cooperation with other countries¹⁰⁶.

In December 2015, at a meeting of the new **Forum on China-Africa Cooperation**, leaders from China and 50 African countries undertook to cooperate against wildlife trafficking¹⁰⁷.

3.2 The framework for action at EU level

Wildlife trade has been regulated at EU level since 1983. The main legal instruments are **Council Regulation (EC) No 338/97**, which incorporates CITES provisions into EU law, and the Commission Regulations implementing it. These 'EU Wildlife Trade Regulations' go beyond CITES in many respects, in particular by regulating trade in non-CITES listed species, imposing stricter import restrictions for some species and empowering the EU to suspend imports of species from particular exporting countries.

Implementation of the EU Wildlife Trade Regulations is regularly monitored by the Commission, working with Member States and an internationally-recognised leading expert body in the area of wildlife trade (TRAFFIC). It is assessed through meetings with Member States (10 per year) which focus on the scientific, management and enforcement aspects of the legislation and the implementation of Commission Recommendation No 2007/425/EC. Member States report every year to the Commission on trade in specimens covered by Council Regulation (EC) No 338/97 and the World Conservation Monitoring Centre (WCMC) analyses these data, partly with a view to detecting trade authorised in contravention of EU law.¹⁰⁸ Member States also submit comprehensive two-yearly reports on measures taken to fulfil their obligations under EU wildlife trade law. An analysis of these reports is carried out every two years by TRAFFIC for the European Commission, with the latest report published in January 2016.¹⁰⁹

At each twice-yearly meeting of the EU Wildlife Trade Enforcement Group (chaired by the Commission and with participants from all Member States and relevant international institutions), a presentation is made of the latest trends in illegal wildlife trade in the EU and

¹⁰⁵ <https://www.whitehouse.gov/sites/default/files/docs/nationalstrategywildlifetrafficking.pdf> and <http://www.state.gov/documents/organization/237592.pdf>.

¹⁰⁶ <https://www.whitehouse.gov/the-press-office/2015/09/25/fact-sheet-president-xi-jinpings-state-visit-united-states>.

¹⁰⁷ http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1323159.shtml.

¹⁰⁸ See <http://euanalysis2013.unep-wcmc.org/>.

¹⁰⁹ See http://ec.europa.eu/environment/cites/pdf/compilation_2011-2012.pdf.

measures taken by Member States (seizures, prosecutions, sanctions, cooperation with Europol and non-EU countries). The Commission feeds this information and data submitted to the European Union Trade in Wildlife Information eXchange (EU-TWIX)¹¹⁰ into annual overviews of wildlife seizures in the EU.¹¹¹

In addition to this regular review of the implementation of the EU legal framework, the Commission carried out an extensive analysis of the framework on the basis of a report published in December 2007¹¹², followed by consultations with stakeholders and Member States. It concluded that there was no need to revisit Council Regulation (EC) No 338/97, but that Commission Regulation (EC) No 865/2006 should be amended. This was then done through Commission Regulation (EU) No 791/2012. In addition, on the basis of an agreement with the Member States, the Commission developed guidance documents on the interpretation of some specific provisions of the legal framework. This is the case in particular of the guidance document on the export, re-export, import and intra-EU trade of rhinoceros horns, adopted in January 2016¹¹³ and designed to ensure that the EU is not used as a destination, transit or source region for illegal trade in rhinoceros horns. In January 2015, Commission Regulation (EU) 2015/56 made further changes to Commission Regulation (EC) No 865/2006 (as regards the creation of musical instrument certificates, import rules on hunting trophies from some species and clarification of the legal basis for refusing the import of animals or plants when the legality of their acquisition is not sufficiently ascertained).

Other relevant EU instruments include the **Nature (Birds and Habitat) Directives 2009/147/EC and 92/43/EEC**, which prohibit the sale and transport of a number of strictly protected wild species in the EU. **Directive 2008/99/EC on the protection of the environment through criminal law** requires Member States to consider wildlife trafficking as a criminal offence, but does not establish common forms or levels of sanction other than asking for proportionate, effective and dissuasive criminal sanctions. The Commission's assessment of Member States' transposition of the Directive is ongoing and the Directive will be reviewed in 2016 in the context of the EU's Agenda on Security.

Commission Recommendation No 2007/425/EC identifying a set of actions for the enforcement of Regulation (EC) No 338/97 was adopted in 2007⁴ as a follow-up to the Council's December 2006 conclusions on halting the loss of biodiversity and to a Commission study on *Enforcement of the Wildlife Trade Regulations in the EU* (Milieu, 2006). It sets out a series of measures that Member States should take to improve efforts to combat illegal wildlife trade. These include adopting national action plans for enforcement, imposing sufficiently high penalties for wildlife trade offences and using risk and intelligence assessments to detect illegal and smuggled wildlife products. One of the main weaknesses of the Recommendation is that Member States have never politically endorsed it, so (beyond the level of experts) do not have a sense of 'ownership' of it. Furthermore, the lack of a meaningful monitoring mechanism or clear timelines for delivery has hampered progress on implementing the recommended measures. On substance, the measures are limited, as they are largely focused on enforcement issues within the EU, with limited consideration given to the role the EU should be playing in addressing wildlife trafficking globally. In addition, the organised crime dimension of illegal wildlife trade has become more prevalent since 2007 (as

¹¹⁰ See <http://www.eutwix.org/>.

¹¹¹ <http://ec.europa.eu/environment/cites/pdf/Overview%20significant%20seizures%202014.pdf>.

¹¹² http://ec.europa.eu/environment/cites/pdf/studies/effectiveness_study.pdf.

¹¹³ [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016XC0116\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016XC0116(01))

demonstrated in other sections of this document) and the Recommendation does not address or reflect this.

4. Challenges under the current approach

4.1 Implementation and enforcement of existing rules in the EU

4.1.1 Uneven implementation and enforcement throughout the EU (linked to actions 9, 10, 11, 14 and 19)

There are considerable differences in systems used to enforce the EU Wildlife Trade Regulations. This was highlighted as a major problem in the responses to the Commission's 2014 stakeholder consultation. In this section, we seek to illustrate the varying level of implementation/enforcement across the Member States.

Several parameters and aspects of the implementation and enforcement of the EU Wildlife Trade Regulations can be used to compare Member States' performance relatively objectively. These range from the rate of consultation with the scientific authority/ies before CITES documents are issued, through the rate at which Member States report on seizures to the level of enforcement effort in implementing the EU Wildlife Trade Regulations.

In the context of such a comparison, the consideration of certain 'external' (economic and geographical) parameters is also important to reflect Member States' relative importance and the possible impact of insufficient implementation. For instance, Member States with high external trade levels or hosting large trade hubs (sea ports or airports) will by default have a greater responsibility in ensuring proper enforcement of the EU Wildlife Trade Regulations. A number of Member States have external land borders towards the east and south, which also entail additional responsibility in terms of ensuring effective enforcement. The impact of an implementation gap is likely to be much greater in such Member States than in a Member State with less external trade or in a different location.

The number of seizures and confiscations, other enforcement action taken and sanctions imposed give an indication of the overall enforcement level in the Member States.

Number of seizures and confiscations

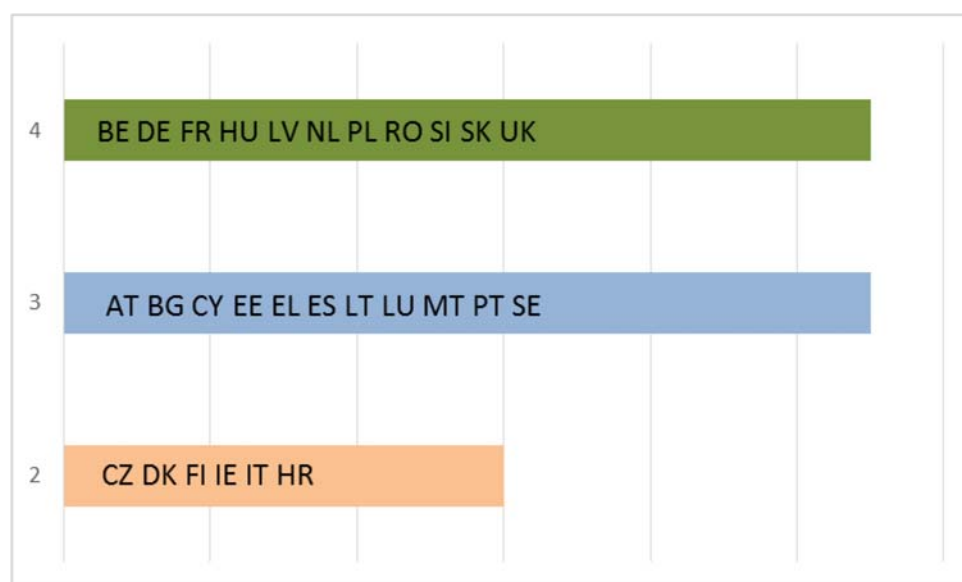
Accurately identifying trends in illegal trade (either over time or when comparing countries) is complicated, in particular because we do not know what proportion of illegal transactions is seized (seizure rate) and what proportion of these is reported (reporting rate). A country's seizure rate may vary depending on the levels and nature of illegal trade and on its enforcement effort, i.e. resources committed to law enforcement – the number, equipment, training and knowledge of staff all affect enforcement effort and the ability to make seizures.

Seizure data from 2012 were used to compare seizure numbers and enforcement effort across the EU. Three Member States reported by far the largest numbers of seizures (records) across the EU (59 % of the total). These were followed by seven Member States that together were responsible for reporting 35 % of all seizures. The remaining 18 Member States reported less than 6 % of total seizures reported for 2012. Given the total reported legal imports of wildlife products for the same year, 11 Member States appeared to have seized less than would have been expected, possibly indicating different levels of enforcement/effort.

Beyond seizures – enforcement action proxy

Due to the nature of illegal trade, it is very difficult to determine true enforcement levels/success. Seizures and seizure trends over time are often used to describe enforcement levels, but this is fraught with problems of data interpretation. For example, differences in seizure rates may be due to differences in enforcement effort, detection levels or levels of actual illegal trade. Therefore, in an attempt to identify differences in enforcement action, Member States' answers to four enforcement-related questions in EU CITES biennial reports for 2013-2014 were analysed in combination, to create an 'enforcement action proxy' (see Figure 4). The questions concerned regular checks on traders and holders carried out in-country, risk and intelligence assessment used to ensure thorough checks at borders and in-country, cooperation with other Member States' enforcement agencies on investigations of offences, and the establishment of a specialised unit for CITES-related enforcement.

Figure 4: Number of positive answers to four enforcement-related questions from EU Member States' 2013-2014 biennial reports



Source: data in 2013-2014 CITES biennial reports.

Undetected cases

The covert nature of the illegal wildlife trade makes it difficult to carry out quantitative analyses of the situation. However, it is possible to estimate seizure rates on the basis of the number of shipments exported from or transited through specific countries, but seized elsewhere, i.e. not detected by the exporting or transit countries. Available EU seizure data (2011-2013) indicate that some Member States let a number of illegal shipments pass through their territories without detecting them. Some of these have key air/sea ports for entry of goods into the EU. This suggests that these Member States need to step up their enforcement effort so that shipments are intercepted at the first point of entry into the EU.

Sanctions

Presently, sanction levels vary widely across the EU Member States. Many stakeholders raised this as a source of major concern in the Commission's 2014 stakeholder consultation. Similarly, concern has been expressed in a number of reports that the severity of fines and

prison sentences imposed in the EU fails to reflect the seriousness of the crimes and the value of the wildlife on the international (black) market, and lack deterrent effect.¹¹⁴ Also, some Member States have pointed to what they see as the 'leniency' of court rulings, particularly on offences concerning specimens listed in Annex A.¹¹⁵

Current EU legislation leaves a significant margin of discretion for Member States when it comes to determining sanctions. Article 16 of Council Regulation (EC) No 338/97 contains a minimum list of infringements in respect of which Member States must take appropriate measures and adopt national legislation to ensure the imposition of adequate sanctions. It further requires that sanctions reflect the nature and gravity of infringements and involve seizure and, where appropriate, confiscation of the specimens concerned. Directive 2008/99/EC, which entered into force in December 2010, obliges Member States to treat the unlawful killing, destruction, possession, taking of, or trade in, protected animal and plant species as a criminal offence and to establish 'effective, proportionate and dissuasive' criminal penalties in their national legislation, but does not stipulate forms or levels of penalty.

Based on the penalty information available, 21 Member States (75 %) reported that penalties reflect the market and conservation value of the species, and the costs incurred. However, in three Member States, penalties do not appear to take account of the conservation/market value of the species. There is no information available on this issue for four Member States, which reported these considerations as 'variable'.

The following section presents information and indicators as regards the application of sanctions for wildlife crime in the EU. The Commission keeps a table on minimum and maximum penalties, which was last updated in September 2015 on the basis of Member States' 2013-2014 biennial reports.

Maximum imposable fines for private persons

Financial penalties (fines) are an important deterrent against crime. To analyse the difference in imposable fine levels in the various Member States, maximum fines imposable for private persons were used, as minimum levels are not set in many countries. However, it is difficult to compare fines across Member States, due to the variable degree of detail provided by Member States and different legal systems. For example, three Member States reported their fines as 'variable', because they depend on many factors, including the income of the offender, which makes it impossible to compare their fines with other countries'. It is not clear whether these 'variable' fines have an upper limit, so they have been considered separately from the unlimited fines clearly reported by some countries. The maximum penalty in one Member State is set as a function (e.g. 100 times) of the monthly minimum wage; here, the minimum wage declared by that Member State in 2013 was taken as the basis for calculating the maximum fine. Similarly, another Member State sets the maximum fine using 'day fines'; the actual calculation provided by that Member State in 2013 was used as the figure for the maximum fine. The situation is further complicated by the fact that most Member States have several pieces of legislation that can be referred to for setting maximum fines (e.g. environmental legislation or criminal code). The highest possible fine was taken into account in this analysis. However, this may have resulted in an inappropriate comparison

¹¹⁴ Alacs and Georges, 2008; Sollund and Maher, 2015; Eurojust, 2014.

¹¹⁵ Crook and Musing, 2016

of fines set out in different types of legislation. Where a higher fine is applied for intentional infringement (as opposed to negligence), this was included in the analysis (where available). In some cases, Member States distinguished between administrative and criminal fines; the latter was usually higher and therefore used in this analysis, if available.

Table 2 provides an overview of the maximum fines imposable in Member States. The range of maximum imposable fines across the EU is very wide.

The analysis of fines actually imposed for wildlife crime in the EU in recent years is hampered by poor and inconsistent reporting by Member States. From the data sources used, in most cases it is unclear under which regulation the fines were applied (or whether they were imposed in a criminal or an administrative procedure), how many fines were imposed or whether the cases involved private or legal persons. For the purposes of this assessment, the highest reported actually applied fines were selected (regardless of whether they were issued to legal or private persons, as this was mostly unclear). EU CITES biennial reports generally had more comprehensive information on sanctions, but in some cases higher imposed fines were reported in the significant seizures/prosecutions reports to the Commission; in such cases, the higher fine was used. As noted above, due to the many uncertainties, this assessment can provide only a partial picture of fine levels applied in practice.

In 2013-2014, the highest fine (EUR 250 000) was reportedly imposed in Finland for two cases of illegal collection of and trade in birds and bird eggs. This was accompanied by a one-year (conditional) prison sentence, although there has been an appeal and the sentence was not final at the time of reporting. The second highest fine (EUR 225 000) was imposed in Spain in October 2013 for the illegal import of two cases of dead birds and mammals from South America (more than 130 specimens in total) in 2010; the items were intended for sale on the black market to collectors for taxidermy. The third highest fine was imposed by Belgium in 2014 for an organised crime case which involved EU bird trade; sanctions included fines of EUR 90 000, EUR 30 000 and EUR 12 000, four custodial sentences (one to four years) and confiscation of EUR 835 800 of illegal gains from trade (including real estate; see case study 3).

Half of the Member States reported imposing fines of EUR 1 500 to EUR 50 000 in 2013-2014. In four Member States, the highest fines were less than EUR 1 000, which seems very low, especially as one of these Member States issued the most CITES documents in 2013-2014. A fine of EUR 500 per person was imposed for the illegal importing of eight rhino horns by two offenders in one Member State; this is much lower than the highest imposable fine of EUR 100 000 in that country and does not appear to reflect the fact that the conservation/market value of rhino horn has been estimated at several tens of thousands of euros per kilo. Some Member States did not provide clear information on fines applied in 2013-2014 (neither in their latest biennial report nor in significant seizures/prosecutions reports for the period). One Member State reported that it had issued administrative fines, but did not provide details as to the levels of fine. Two Member States reported that they had not imposed fines as penalties in 2013-2014.

Overall, it appears that most fines applied in 2013-2014 were much lower than the maximum imposable fines (where an upper limit has been established), with the exception of at least one Member State which reported the issuing of the maximum fine (EUR 37 500).

Table 2: Maximum fines imposable and applied in 2013-2014

MS	Maximum fines imposable for private persons (EUR)	Highest fine imposed in 2013-2014 (EUR)
AT	1 800 000	0*
BE	300 000	90 000
BG	10 000	2 500
CY	1 700	0*
CZ	unspecified	1 500
DE	1 800 000	18 000
DK	variable	10 000
EE	unspecified	1 500
EL	500 000	5 300
ES	unlimited	225 000
FI	variable	250 000
FR	150 000	900
HR	13 160	500
HU	308 106	0*
IE	100 000	500
IT	103 000	5 000
LT	37 650	-
LU	unspecified	-
LV	28 000	700
MT	4 659	2 000
NL	81 000	50 000
PL	175 000	0*
PT	37 500	37 500
RO	3 575	8 700
SE	variable	9 700
SI	16 690	7 000
SK	331 930	0*
UK	unlimited	19 471

Note:

'Variable' fines depend on many factors, including the income of the person, which makes it impossible to assign a set figure. However, it is unclear if these 'variable' fines have an upper limit, so they have been considered separately from countries that clearly reported unlimited fines;

0* - these countries did not provide clear information on fines applied in 2013-2014;

'-' – these Member States clearly reported that they had not issued fines in 2013-2014.

Prison sentences imposed in 2013-2014

As shown in Table 3, at least 11 Member States reported the issuing of a prison sentence in 2013-2014 for a wildlife trade offence; of these, the longest (in Belgium) was four years' imprisonment with one year's suspension, although there has since been an appeal and this may not be the final sentence (see case study 3). The second longest prison sentence, of 3.5 years (on probation), was imposed in the Czech Republic (case study 4). The third longest was reported by the Netherlands and was for three years (1 080 days, conditionally for 720 days). The other prison sentences reported by Member States for 2013-2014 ranged between six months and a year. In terms of the number of prison sentences handed down, the Netherlands reported that sentences were imposed in nine cases, followed by the Czech Republic with eight, the UK with five, Belgium four (for one case) and Spain three.

Table 3 also shows that Member States that have maximum imposable prison sentences of four or more years reported a higher number of prison sentences than those only able to impose shorter sentences, with two exceptions. This may be due to the general recognition of the importance of this type of crime in certain Member States and the support investigators/prosecutors may get as a result (including more investigative techniques

available for serious crimes). Two other Member States may have imposed prison sentences for wildlife trade crime in 2013-2014, but they did not report any details, so for them the situation is uncertain. In total, 39 prison sentences for wildlife trade crime were reported for 2013-2014 for the entire EU.

It should be noted that a lower number of prison sentences does not necessarily reflect poor enforcement, investigation or prosecution – it may simply indicate that there were no (or fewer) cases that should have been brought to court. Unfortunately, the currently available information on sanctions imposed does not allow us to compare the number of prosecutions/criminal proceedings started with the number culminating in the issuing of a sanction, which would provide a better indication of the actual situation.

Table 3: Prison sentences imposed in the EU in 2013-2014 for wildlife trade offences

For the column detailing maximum imposable sentence, each line represents a separate piece of national legislation and the subsequent sentence imposed. Source: for maximum imposable sentences – Crook and Musing, 2015; for other information – 2013-2014 EU biennial reports or (if they did not include the relevant information) significant seizures reports (Feb. 2013 to Dec. 2014).

MS	Maximum imposable sentence	Longest sentence imposed (years)	No. of sentences
AT	Int: 2 years; Neg: 1 year		0
BE	5 years	4 years (1 year suspended) - appealed	4
BG	Int: 5 years	0.5 years (suspended)	1
CY	3 years		0
CZ	8 years	3.5 years (on probation)	8
DE	5 years	1 year	2
DK	Int: 1 year		0
EE	5 years*^^		0
EL	Int: 10 years; Neg: 1 year	0.5 years	2
	2 years^		
	20 years		
ES	Int: 2 years	0.92 years	3
	5 years		
FI	2 years**	1 year (conditional) – appeal	1
FR	1 year; 7 years*	Details not known	2
	3 years; 10 years*		
HR	5 years		0
HU	Int: 3 years; Neg: 2 years		0
IE	Sum: 1 year; Ind: 2 years		0
IT	1 year^	1 year	2
LT	4 years		0
LU	6 months		0
LV	2 years		0
MT	2 years		0
NL	Int: 6 years; Neg: 1 year	3 years (conditional)	9
PL	Int: 5 years; Neg: 2 years	Details not known	0
PT	3 years		0
RO	3 years		0
SE	4 years		0
	6 years		
SI	3 years; 5 years*		0
SK	8 years		0
UK	Sum: 6 months; Ind: 5 years	1 year	5
	7 years		

Notes:

Int: Intentional conduct; Neg: negligent conduct; Sum: Summary Convictions; Ind: Convictions on Indictment

* If conducted as an organised criminal group

** 4 years if several cases together

^ May be doubled for repeat offences

^^ Abuse of official position

4.1.2 Awareness and prioritisation

Responses to the 2014 Commission stakeholder consultation highlighted the problem of low awareness of and low priority given to wildlife trafficking. The latter is reflected in the shortage of human and technical resources at national level.¹¹⁶ CITES management authorities are often understaffed; 61 % of Member States report fewer than 10 staff members spending anything between 10 % and 100 % of their time on CITES issues. The need for a larger budget and workforce has been consistently emphasised since 2009. Some Member States, including Croatia, Ireland and Malta, have specifically stated that the shortage of such resources makes it difficult to implement CITES. Similar feedback was given by customs administrations in a 2014 survey.¹¹⁷ Moreover, only 70 % of Member States say their enforcement authorities have access to specialised equipment, expertise and resources, and several of those say they need significantly more resources.

4.1.3 Capacity throughout the enforcement chain (linked to actions 16, 17 and 18)

Investigations into illegal wildlife trade are often not considered a priority for Member States and enforcement agencies tend to deal with such cases on an *ad hoc* basis, rather than having established units to deal with wildlife trafficking/environmental crime. In 2013-2014, only 19 Member States had established national specialised units for CITES-related enforcement and there is vast inconsistency in resource provision across Member States in terms of specialised environmental and law-enforcement units, judicial police, environmental protection agencies and specially appointed officers. Further details on the existence of specialised units were provided in Eurojust's 2014 Strategic Project on Environmental Crime. The UK, for example, has a National Wildlife Crime Unit (NWCU), a specially appointed police team dedicated to combating wildlife crime, and the Scottish Wildlife and Environmental Crime Unit, consisting of a team of specialist prosecutors. Spain has a Department of Environmental Crime and France has specialised judicial police, but other Member States have a single police unit or some trained officials and others have no specialised units at all. The absence of such specialised units weakens the fight against wildlife trafficking. A lack of sufficient expert knowledge is also a significant factor, particularly in investigations into wildlife trafficking where equivalent levels of expertise and/or resources are not available across the organisational structure. Such challenges arise where countries have national law-enforcement authorities but lack a specialised national environment agency with the technical expertise to support criminal proceedings.¹¹⁸

Similarly, the low priority given to wildlife trafficking affects the quality of enforcement across Member States. According to the 2013-2014 biennial reports analysis,¹¹⁹ only seven Member States adopted national action plans for coordination and enforcement, and only two of these implemented long-term action plans (over four or more years). Furthermore, 23 Member States carried out regular in-country trader checks and risk and intelligence assessments, and cooperated with enforcement agencies in other Member States to investigate offences. Also, several of these enforcement activities are not carried out comprehensively. For example, some Member States regularly monitor only breeders of Annex A CITES

¹¹⁶ For all information in this section, see Crook and Musing, 2016.

¹¹⁷ Han, p. 10.

¹¹⁸ Eurojust, 2014.

¹¹⁹ Crook and Musing, 2016.

specimens and others say that they do not carry out systematic risk assessment and intelligence analysis, as certain improvements are still required.

Exhaustive intelligence and data gathering should be an automatic part of Member States' enforcement activities, as it provides important information, *inter alia* on trends in overall trade, species vulnerable to exploitation and weaknesses in the implementation and enforcement of legislation.¹²⁰ However, to date the enforcement data provided have been patchy. Between 2011-2012 and 2013-2014, 12 Member States reported that they had not provided detailed information on significant cases of illegal trade or information on convicted illegal traders and persistent offences. This hampers Europol's efforts to conduct regular and accurate threat assessments of wildlife trafficking.

Linked to the low priority given to the issue of wildlife trafficking in many Member States is limited training and awareness-raising activity¹²¹. The provision of specialised training on illegal wildlife trade to all agencies across the enforcement chain, from the police and enforcement officials to the prosecution service and the judiciary, is integral to ensuring that cases are identified, supported and prosecuted consistently and appropriately in all Member States¹²² and judges recognise the severity of offences¹²³. In 2013-2014, national CITES authorities in only ten Member States provided their CITES management, scientific and enforcement authorities with training and/or guidance, while 12 provided a mix of training and/or guidance to some of their authorities. Six Member States provided none at all. Some of the more specialised training activities included regular annual training for border officials and police forces and a one-week CITES enforcement course and court training day, enforcement training and workshops, lectures in advanced CITES training and the provision of guidelines for inspectors on amendments to national CITES legislation.

The care of seized or confiscated live animals or plants is a recurring problem in Member States. In their biennial reports on the implementation of Council Regulation (EC) No 338/97, most Member States stress that they encounter difficulties when it comes to housing confiscated live specimens. Housing facilities often lack sufficient capacity or can cater only for certain animals in small quantities. To improve the situation, a number of Member States have signed agreements to use the services of NGOs specialised in housing live animals. There has also been cooperation between Member States, with live specimens confiscated in one Member State without proper housing facilities being relocated to another.

4.1.4 Coordination within Member States (linked to actions 15 and 18)

Implementing and enforcing the rules on wildlife trade involves a range of players in each Member State. These include customs and police services, CITES management authorities and environmental inspection agencies, and often the services of wildlife, environmental crime, veterinary and phytosanitary specialists are also required. As these players work under the auspices of different ministries, an uneven and fragmented approach to tackling wildlife trade has emerged, ranging from CITES authorities or competent authorities under the EU Timber Regulation¹²⁴ to police, customs and prosecution services. Effective cooperation

¹²⁰ Eurojust, 2014; see also replies to the Commission's stakeholder consultation.

¹²¹ Eurojust, 2014.

¹²² Sollund and Maher, 2015.

¹²³ Eurojust, 2014; see also replies to the Commission's stakeholder consultation.

¹²⁴ Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market

between these authorities is a crucial aspect of effective enforcement against the illegal wildlife trade and the timely exchange of information and data is key¹²⁵.

From the information in CITES biennial reports, it is clear that there is room for improvement as regards communication and information-sharing between Member State authorities. For example, enforcement authorities should pass on to their management authorities information on any discrepancies between the number of items in a permit and the number of items actually traded. This is to ensure that management authorities are able accurately to monitor and report on actual levels of trade. However, in the 2013-2014 biennial reports analysis, only 50 % of Member State enforcement authorities reported that such information had been exchanged and questions therefore arise as to how these Member States are able to report accurately on levels of trade. The Intelligence Project on Environmental Crime (IPEC) report also highlighted the (assumed) under-reporting of environmental crimes¹²⁶.

From the 2013-2014 biennial reports, only nine Member States appear to have set up a national inter-agency or inter-sectoral committee on CITES¹²⁷. In most cases where such a committee is not in place, regular meetings and consultations reportedly took place between the various CITES authorities. However, the frequency of such meetings and their potential for effective coordination appear to vary greatly. Ineffective internal coordination could be particularly problematic in Member States with decentralised issuing of CITES documents.

Some Member States with decentralised issuing of CITES permits report that they have regular (at least monthly) meetings and daily/weekly consultations. Several others have multiple management or scientific authorities, which either deal with different issues (apart from issuing permits) or have specific taxonomic expertise. Regular communication at national level is also of considerable importance for these Member States.

Eighteen Member States have at least one formal agreement (e.g. a memorandum of understanding) for cooperation between their management authority and another relevant CITES agency. Only six reported that they had agreements with three or more agencies.

Box 7: Good inter-agency collaboration practice in EU countries¹²⁸

The **Netherlands** has a CITES working group comprising staff from the CITES management authority, the scientific authority, the legal office in the Ministry of Economic Affairs, Agriculture and Innovation, the Public Prosecutor's Office, the police, the customs service and the Food and Consumer Product Safety Authority. This working group meets six times a year.

Slovenia's Inter-Sectoral Committee for the Prevention of Illegal Wildlife Trade was set up in 2002 to improve cooperation between the relevant authorities. It meets twice a year and consists of permanent members from the criminal police, customs, the environmental inspection authorities, the environment agency and the Ministry of the Environment and Spatial Planning. For specific tasks, officials from other relevant ministries may also be appointed.

The **United Kingdom** has a number of committees and groups which work together on CITES issues, in addition to a formal process for setting wildlife crime priorities every two years.

¹²⁵ Sollund and Maher, 2015, see also EFFACE Evaluation of the strengths, weaknesses, threats and opportunities associated with the EU efforts to combat environmental crime, 2015, p. 36, http://efface.eu/sites/default/files/publications/EFFACE_SWOT%20Analysis.pdf.

¹²⁶ EnviCrimeNet, 2015.

¹²⁷ Crook and Musing, 2016.

¹²⁸ Based on information provided by the Member States in the biennial reports.

The Partnership for Action against Wildlife Crime (PAW) is the umbrella organisation that oversees enforcement of wildlife law (including CITES) in the UK. It consists of government departments, enforcement officials and over 100 NGOs, and is led by a steering group, jointly chaired by the police and the UK management authority (Defra). Other members include the Northern Ireland Environment Agency, the Scottish Government, the Crown Office, the Crown Prosecution Service, the Welsh Government, Natural England, the UK CITES scientific authorities, Border Force, the Home Office, the UK National Wildlife Crime Unit and the Rural Payments Agency.

The Wildlife Crime Tasking and Coordination Group (TCG), part of the PAW steering group, includes statutory enforcement agencies, police, customs and government departments. It sets the UK's biennial wildlife crime priorities and ensures progress is made in tackling them. For each priority, there is a 'delivery group' taking a three-pronged approach (prevention, intelligence and enforcement). The groups are accountable to the PAW steering group and success can be measured. This structure has improved performance and partnership, and has resulted in a 100 % increase in seizures and prosecutions.

4.1.5 Capacity to fight organised wildlife crime (linked to actions 20-24)

According to Europol's 2013 SOCTA, the nature and complexity of serious and organised crime is an ever-changing phenomenon and a degree of financial, personnel and political commitment is required to tackle these illicit activities effectively. As illustrated by both the 2015 Interpol Strategic Report¹²⁹ and the EFFACE Report on *Illegal wildlife trade*¹³⁰, there is a general lack of awareness of the organised nature of wildlife trafficking which is often due to insufficient comprehension of the criminal networks involved, which use mechanisms and trade routes that are similar to those used by networks trafficking human beings and illegal commodities such as drugs and firearms. Europol's 2013 *Threat assessment on environmental crime* further emphasises the highly specialised nature of the organised criminal groups operating in the EU. While they can be relatively small, these networks are dominated by EU nationals who have innovative ways of obtaining 'products' and use corruption, money laundering and the falsification of documents to facilitate their activities.

The level of knowledge about the activity of organised criminal groups in the EU in the context of wildlife trafficking is low among experts on organised crime, related illicit financial flows and related illegal online activities. To ensure cooperation among authorities and relevant expert agencies, a concerted effort is needed to raise awareness of the clandestine and organised criminal nature of the illegal wildlife trade at political level, among enforcement and prosecution officials, and relevant organised crime and money laundering specialists and financial investigation units.

Due to the current lack of awareness, limited financial, personnel and specialist resources are often allocated to regulating wildlife trade, despite its complex and organised nature. According to the EFFACE Report, the UK specifically identified this as a problem. Due to limited resources, enforcement officials investigating wildlife crime were unable to gather the necessary evidence, despite identifying organised crime links in the context of rhino-horn theft, trade of eggs and raptors and the sale of traditional medicines.

¹²⁹ Interpol. (2015). *Interpol Strategic Report – Environmental Crime and its Convergence with other serious crimes*. Reference: 2015/999/OEC/ENS/SLO

¹³⁰ Sollund, R. and Maher, J. (2015). *The illegal wildlife trade. A Case Study report on the Illegal Wildlife Trade in the United Kingdom, Norway, Colombia and Brazil*. A study compiled as part of the European Union Action to Fight Environment Crime (EFFACE) project. University of Oslo and University of South Wales.

The lack of expert awareness also hampers the capacity to assess possible links with other forms of crime. According to the 2015 Interpol Strategic Report, environmental crimes including wildlife trafficking ‘... have typically been treated in isolation from other types of serious crimes ... this is reflected in the separation of agencies responsible for the protection and conservation of the environment ...’ (Interpol, 2015).

The level of sanctions available (see section 4.1.1 above) is also relevant in this context. If a serious crime is punishable only with sanctions below certain levels, this leads in a number of Member States to a more limited scope of investigative powers. Eurojust’s 2014 *Strategic Project on Environmental Crime Report* stresses that these restrictions are particularly challenging in the context of prosecuting environmental crimes. This difficulty was also highlighted by the Czech authorities involved in rhino-horn investigations, in which the judge rejected an initial request for wiretapping authorisation. It was only after four rhino horns, cleared in Slovakia and apparently destined for the Czech Republic, went missing and were seized during a random vehicle inspection in Germany that the judge gave the authorisation (see case study 4).

The EU and all Member States are parties to the UN Convention against Transnational Organised Crime (UNTOC), which defines ‘serious crime’ as ‘conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years ...’ (Article 2(b)). In various recent high-level fora, the EU and the Member States have undertaken to address the problem of illegal wildlife trade ‘by adopting or amending legislation, as necessary, to criminalise poaching and wildlife trafficking, and related crimes including by ensuring such criminal offences are “serious crimes” within [UNTOC]’ (London Declaration on Illegal Wildlife Trade, 2014) and by making ‘illicit trafficking in protected species of wild fauna and flora involving organised criminal groups a serious crime, in accordance with their national legislation and Article 2(b) of [UNTOC]’ (UNGA Resolution 69/314). In the case of UNTOC, mutual legal assistance in investigations, prosecutions and judicial proceedings, which may be essential for successful investigation and prosecution, can be requested for serious crimes.

The Commission’s table on minimum and maximum penalties, as updated on the basis of the 2013-2014 CITES biennial reports (Table 3), shows that 11 Member States do not have national legislation that allows for at least four years’ imprisonment which is, as mentioned above, the threshold required in order for an offense to be considered as a serious crime under UNTOC. In one, the maximum imposable prison sentence per case is two years, rising to four years only if several cases are considered/prosecuted together. However, in its most recent biennial report, this Member State reported plans to amend its penal code to address this issue. It should be noted that no comprehensive data are available to date on the extent to which the participation of an ‘organised criminal group’ is regarded in the Member States as an ‘aggravating circumstance’ in a wildlife trafficking case that would allow for the generally applicable maximum penalty levels to be raised.

As regards links with illicit financial flows and in line with international commitments, national legislation must ensure that wildlife offences are treated as ‘predicate offences’, as defined in UNTOC for the purposes of domestic money-laundering offences, and are actionable under national proceeds-of-crime legislation. This would have the effect of enabling the confiscation of proceeds of crime from illegal wildlife trade offences. It needs to be ensured that prosecutors, judges, financial intelligence units and law-enforcement authorities have the resources, knowledge and capacity to investigate and prosecute effectively financial crime associated with wildlife crime.

The Financial Action Task Force, the main global forum setting standards and promoting effective implementation of legal, regulatory and operational measures to combat money laundering, has recommended that Member States consider the proceeds of ‘environmental crimes’ as being possibly subject to any of the money-laundering offences (‘predicate offences’)¹³¹. The 2005 Council of Europe Convention on Laundering and Search, Seizure and Confiscation of the Proceeds from Crime refers to the same list of predicate offences, including environmental crime, but has to date been ratified by only 17 EU Member States.¹³² At EU level, the relevant provisions of Framework Decision 2001/500/JHA¹³³ set specific penalties for some forms of money-laundering (conversion and concealment) only and apply only to predicate offences that are punishable with over one year’s imprisonment. Similarly, Framework Decision 2005/212/JHA on confiscation of crime-related proceeds, instrumentalities and property¹³⁴ requires Member States to enable confiscation for offences punishable by deprivation of liberty for over a year.

4.1.6 Enforcement cooperation among Member States (linked to actions 12, 13 and 18)

While Member States meet regularly through the CITES Enforcement Group and exchange practical experience in the enforcement of EU wildlife trade legislation (e.g. via EU-TWIX), cooperation on specific cases and the involvement of relevant EU coordination bodies such as Europol and Eurojust remains limited (apart from some recent positive exceptions). **Europol**, whose task it is ‘to support and strengthen action by the Member States’ police authorities and other enforcement services and their mutual cooperation in preventing and combating serious crime affecting two or more Member States’ (Article 88 TFEU), has supported several actions and operations to tackle wildlife and environmental crime by providing analytical and operational support and publishing strategic documents.¹³⁵ In 2015, for the first time, Europol coordinated Member States’ participation in an international anti-wildlife-trafficking operation, COBRA III. However, the number of cases in which Member States have requested support from Europol remains low (on average less than 10 per year) and there is no dedicated focal point at Europol working on the issue.

Eurojust’s mission is ‘to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States’ (as set out in Article 85 TFEU). Its experience has been similar to Europol’s; it highlighted in its *Strategic project on environmental crime* (2014) that the number of environmental crime cases referred to it was very low. Information and cases are not forwarded in a timely manner and it is therefore unable to offer any meaningful assistance. Between 1 January 2004 and 1 December 2015, it dealt with a total of 49 cases of environmental crime, of which five involved illicit trafficking of endangered animal species and two illicit trafficking of endangered plant species and varieties. To date, there has been only one wildlife trafficking case in which Member States have made use of the possibility under EU law of setting up a joint investigation team to facilitate cooperation on a specific cross-border case.

¹³¹ http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF_Recommendations.pdf, pp. 36 and 113.

¹³² <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/198>.

¹³³ Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001).

¹³⁴ OJ L 68, 15.3.2005.

¹³⁵ e.g. Europol, 2013; EnviCrimeNet, 2015.

One way of enabling effective cross-border cooperation would be to improve the level of communication and information exchange, particularly on administrative measures and sanctions, between Member States, Europol and the Commission. According to the 2013-2014 biennial reports analysis, 11 Member States that reported that they had been involved in administrative measures, criminal prosecutions and other court actions provided no further details and several Member States provided no information at all. According to the EU participants in Eurojust's *Strategic project on environmental crime*, the exchange of such case details, operational and prosecution experiences, and any best practice has been highlighted as a priority and something that many are keen to participate in. The insufficient exchange of information is a particular concern with regard to wildlife trafficking, as it is frequently a cross-border activity involving EU and non-EU countries.

4.1.7 International enforcement cooperation (linked to action 25)

Wildlife trafficking usually has an international dimension, involving several (often non-EU) source or destination countries. This is also illustrated by some of the case studies in the annex to this document (the Czech, Dutch and Spanish examples in particular), which show the challenges in cooperating with other countries on investigations of wildlife trafficking cases linked to organised criminality, and the need to improve international cooperation on enforcement against wildlife trafficking.

The importance of international cooperation has been recognised in a number of international commitments, e.g. the London Declaration (February 2014), which urges governments to 'strengthen cross-border and regional cooperation, through better coordination, and through full support for regional wildlife law enforcement networks'. A similar call was made in the recent UNGA Resolution 69/314. A number of regional wildlife enforcement networks (WENs) have already been established by range, transit and consumer countries, e.g. the ASEAN WEN, the South Asia WEN (SAWEN) and the Lusaka Agreement Task Force (LATF). In addition, regional bodies such as the Central African Forest Commission (COMIFAC) are cooperatively implementing regional wildlife enforcement plans and a number of other regions, such as the Horn of Africa, are initiating WENs of their own.

One example of steps taken to improve international cooperation was the recent participation of 25 EU Member States in Operation COBRA III in March-April 2015. On the EU side, Europol supported COBRA III at the request of the EU Wildlife Trade Enforcement Group. It was the first time that it had taken on such a central role in supporting an international operation on illegal wildlife trade. During COBRA III, Europol facilitated operational information exchange and coordinated the activities of police, customs, forestry and other law-enforcement authorities from the participating EU Member States. Such international operations have great potential, e.g. in terms of providing practical experience in international cooperation on enforcement (using relevant communication channels, etc.). Also, participants familiarise themselves with relevant processes and mechanisms in other countries, and build personal contacts, all of which facilitates future bilateral cooperation.

Following the ASEAN WEN's and the LATF's participation in COBRA III, there should be opportunities to enhance cooperation with these and other similar regional/global WENs in the future, *inter alia* through joint meetings, more regular and structured information-sharing, joint operations, exchanges of best practices and capacity-building.

On the specific issue of the illegal killing of and trade in **birds**, which also has a trans-boundary dimension (as it affects many migratory species), the Commission

collaborates closely with the Secretariat of the Bern Convention, BirdLife International and the Federation of Associations for Hunting and Conservation in the EU (FACE), and produced the first version of an EU roadmap on the EU Action Plan against Wildlife Trafficking in 2012¹³⁶. The roadmap is part of the 2013-2020 Tunis Action Plan for the eradication of illegal wild-bird killing, trapping and trade under the Bern Convention, which provides a basis for tackling illegal activities beyond the EU. A new intergovernmental task force established in 2014 under the Convention on Migratory Species (on illegal killing, taking and trade of migratory birds in the Mediterranean region), supported with funding from the Commission, extends the geographical scope of such work to countries such as Egypt and Libya.

4.2 Support for global anti-wildlife-trafficking efforts (linked to actions 26-28)

Due to the scale of the problem, effective mitigation of wildlife crime will probably require more resources and capacity in the countries most affected by poaching and wildlife trafficking, particularly in terms of mobilising long-term sustainable funding for work that will have a lasting impact on the ground. The challenge of increasing national budgetary allocations of capacity and resources to fight wildlife crime is even more daunting when the same governments are faced with other strategic priorities, such as security and armed conflict, epidemics, food security and poverty.

In April 2015, African ministers meeting in Brazzaville, at the International Conference on Illegal Exploitation and Illicit Trade in Wild Flora and Fauna in Africa, called for an African Common Strategy on Combating Illegal Trade in Wild Fauna and Flora. They also called on government authorities in range, transit and destination countries, UN agencies, regional economic communities, development banks and other relevant partners to provide the necessary technical, financial and logistical support for the implementation, reporting, review, monitoring and evaluation of the Strategy and its action plan.

One of the ‘urgent measures’ agreed to at the African Elephant Summit in Gaborone (Botswana) in December 2013 was a call to mobilise financial and technical resources from various national and international sources using mechanisms that best support implementation of the African Elephant Action Plan and other ‘urgent measures’ at national, regional and continental level. The Action Plan is fully owned and managed by the African elephant range states and outlines action needed to conserve elephants in Africa effectively across their range. An African Elephant Fund was established to support the implementation of the African Elephant Action Plan. The Fund is governed by a Steering Committee comprising range States, UNEP, the CITES Secretariat and three donor countries (Belgium, Germany and the Netherlands).

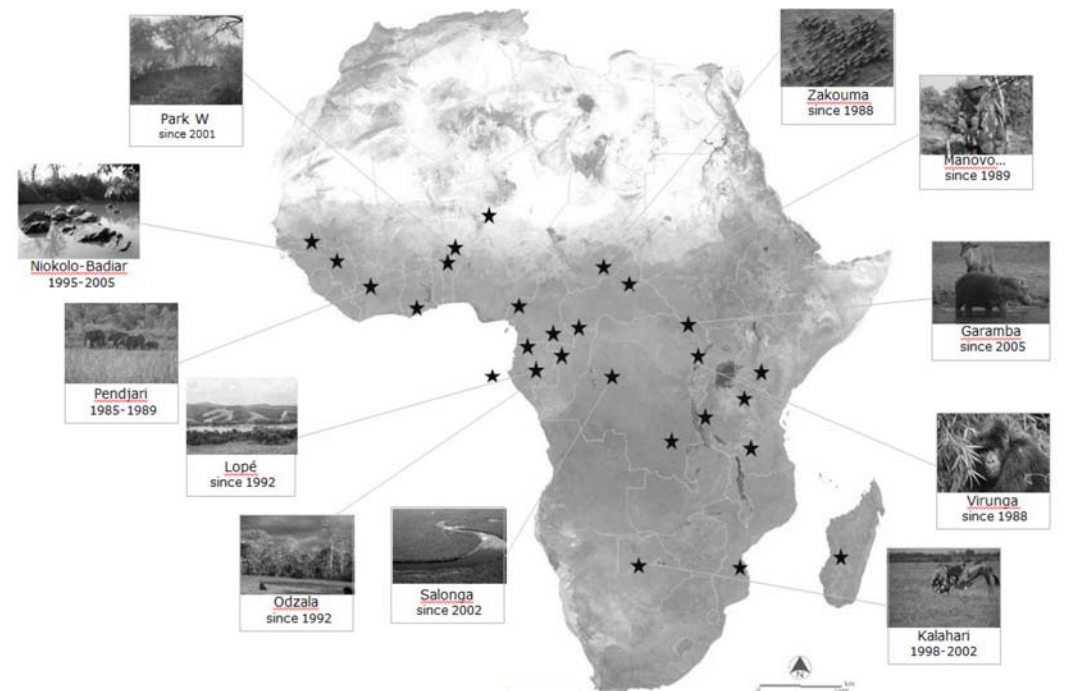
A wide range of donors have been willing to step up support against wildlife trafficking. It is important that efforts are well coordinated, aligned and not duplicated, so that limited resources are targeted where and when they are needed.

¹³⁶ See: http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_env_087_action_plan_wild_trafficking_en.pdf

4.2.1 EU support for developing countries (linked to action 27)

The EU has committed over EUR 500 million for biodiversity conservation in Africa over the past 30 years, with a portfolio of ongoing projects worth approximately EUR 160 million. In particular, it has for decades been a primary supporter of African countries' work in establishing and managing protected areas.

Figure 5: EU support for African national parks



The EU has also been the main financial supporter of the MIKE programme on Monitoring the Illegal Killing of Elephants since 2001, with a contribution of EUR 12 million covering 71 sites in Africa and Asia. Building on this support, the Commission approved a EUR 12.3 million grant to fund a new Minimising the Illegal Killing of Elephants and other Endangered Species (MIKES) programme in December 2013. The EU has also been one of the first donors to support the activities of the International Consortium for Combating Wildlife Crime (through a EUR 1.7 million grant) and is financing (through a EUR 5.5 million grant) a joint CITES/UNODC programme to strengthen law enforcement and reduce the demand for illegal wildlife products in south-east Asia.

The EU also supports a number of national and local projects, e.g. in the framework of the EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan¹³⁷. A wide range of EU-funded projects aimed at reducing corruption and building the capacity of prosecution and judicial services support the rule of law generally, which is essential for success in the fight against wildlife trafficking.

While all these initiatives have brought some progress, the synergies between conservation, local populations' livelihoods, enforcement and good governance have not always been

¹³⁷ Commission Regulation (EC) No 1024/2008 of 17 October 2008 laying down detailed measures for the implementation of Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community

sufficiently exploited. In addition, the long-term sustainability of a number of projects remains fragile due to insufficient ownership and support by the national and local authorities (and sometimes populations) and a high dependence on external funding.

In order to guide EU development cooperation policy and programming for the years to come, the Commission commissioned a detailed and comprehensive report, *Larger than elephants: inputs for an EU strategic approach for African wildlife conservation*¹³⁸, which includes an in-depth analysis of the situation and guidelines for future activities and was based on comprehensive consultation of stakeholders, including in the countries concerned.

Box 8: The proposed strategic approach for African wildlife conservation

The strategic approach developed in the *Larger than elephants* study focuses primarily on ways to ensure the conservation of large functioning ecosystems or landscapes supporting key African wildlife populations. A secondary tactic, supporting wider biodiversity goals, is to make conservation funds available to agencies and projects protecting small important sites that cannot be included in the large key landscapes identified.

Three types of action are proposed, at site, national and international level:



At *site level*, the plan is based on 85 key landscapes for conservation (KLCs) covering about 300 major protected areas. These areas will have the capacity to sustain viable populations of large African wildlife species within functioning ecosystems in the face of the greatly increasing external pressure on land that is anticipated this century. At the same time, they will act as foci in developing the rural economy through sustainable use of natural resources. A suitable network of KLCs will

¹³⁸ https://ec.europa.eu/europeaid/sites/devco/files/eu-wildlife-strategy-africa-synthesis-2015_en_0.pdf

protect the well-known wildlife species of the region and stimulate economic growth. Trans-frontier conservation areas are central to this strategic approach.

Local development projects for the benefit of the population living close to protected areas must be proposed in order to reduce the pressure on habitats and wildlife. In particular, agricultural and energy projects will bridge the gap between conservation *sensu stricto* and economic development.

Lastly, the issue of the unsustainable use of biological resources (bush meat, fuel wood) must be addressed. The plan identifies three areas in which action is needed: reducing demand, providing alternative sources and creating a conducive institutional and policy environment so that local resource users have a secure stake in the resource and an incentive to manage it sustainably.

The strategic approach proposes that this action should be supported at *country level*, with an emphasis on policy reform, institutional strengthening and awareness-raising. This will include expansion of existing national and regional facilities for mid- and senior-level training in wildlife management. The selected trans-frontier conservation areas will be further supported at *regional level* with an emphasis on key reforms in national laws to give landholders and rural communities the right to manage wildlife and woodlands for their own benefit.

While on-the-job training will always be an important component of support for protected areas (PAs), the main constraint on effective PA management is the weakness of the PA management authorities and the absence of career opportunities to encourage competent conservation practitioners (at all levels) to join, and plan for a career with, the authority. Support for institutional strengthening and/or reform of national PAs authorities should therefore be a strategic priority of this plan.

In addition to the KLC approach to conservation and the dismantling of wildlife trafficking networks, awareness-raising is also prioritised. As part of the recommended awareness-raising programme, a communication strategy will provide materials and information on wildlife conservation for a range of target audiences.

Action to dismantle wildlife crime networks at *international level* is also key; it should focus on three areas:

- (i) improving cooperation between organisations and agencies;
- (ii) strengthening law enforcement; and
- (iii) properly penalising wildlife crime.

COMIFAC's regional law-enforcement action plan should be supported, as should the important efforts of NGO WENs.

It is estimated that around EUR 7.7 billion over a 10-year period would be needed to implement the recommendations under the strategic approach.

In line with this proposed strategic approach, the 2014-2020 programming for EU development cooperation funds ensures that biodiversity conservation projects benefit from increased financial support (see Table 4).

Table 4: Programming for EU development cooperation funds for biodiversity in Sub-Saharan Africa (approximately half of which are meant to target issues related to wildlife protection against poaching and trafficking)

Budget line	Total (EUR million)
European Development Fund (EDF)	
EDF - National	233
DRC	120
Ethiopia	50
Chad	53
Zimbabwe	10
EDF - Regional	213
West Africa	95
Central Africa	88
Southern/Eastern Africa	83
EDF - Intra ACP	130
Development Cooperation Instrument (DCI)	
DCI – Pan-African global issues	40
GPGC – Biodiversity & Ecosystem Services	150
Total	819

4.2.2 Donor coordination (linked to action 28)

EU support comes in addition to a large number of initiatives funded by individual EU Member States and other countries, such as the United States. In June 2014, the Global Environment Facility approved a 10-programme Biodiversity Strategy for GEF-6 (2014-2018), which includes Programme 3 on preventing the extinction of known threatened species, which aims to provide support to curtail poaching and the illegal wildlife trade.

Regional development banks are also playing an increasingly active role in mobilising sustainable financial support for national governments in their efforts to address wildlife crime. The African Development Bank, for example, has supported national programmes and projects improving the capacity of institutions responsible for combating poaching and illegal trafficking, and issued the 2013 Marrakech Declaration, a global call for action and commitment from governments and other institutions to combat illicit wildlife trafficking.

Close cooperation between donors and supported countries is critical to maximise impact, avoid overlap and ensure that the allocation of funds meets the needs and priorities identified by the countries themselves.

Some first initiatives have started to improve coordination among donors. For example, a Wildlife Donor Roundtable was held in New York in July 2015 to share information on existing wildlife funding programmes, understand long-term financial needs if developing countries are to implement the CITES and explore the potential for scaled-up financial resources to ensure the conservation and sustainable use of wildlife and tackle wildlife crime. More systematic donor coordination will be needed in the future.

4.2.3 Demand reduction (linked to action 1)

Many efforts have been made in the past to dampen demand for illegally traded wildlife products¹³⁹, primarily by generating greater awareness of the importance of conserving the species in question or highlighting the illegality of consuming the derived products. Despite such efforts, however, the past decade has seen a significant increase in trade for many species and dramatic shifts in the consumer dynamics underpinning it. Awareness campaigns¹⁴⁰ in the area of wildlife trade have focused on informing the public on legislation forbidding trade or on the impact that the use of products has on species in the wild. In some cases, this may be enough to change people's behaviour, as they may lack basic knowledge of the issues. For example, it was found that many Chinese consumers did not know that ivory comes from dead elephants¹⁴¹ and a public information campaign now seems to have led to a reduction in consumers' readiness to purchase it¹⁴². WildAid and the African Wildlife Foundation ran a campaign in 2013 to raise awareness among Chinese consumers and reduce demand for rhino-horn products¹⁴³. After the campaign, they identified a 23.5 % reduction in the prevalence of belief in the medicinal benefits of rhino horn¹⁴⁴.

However, one of the weaknesses of a traditional approach is that information does not always lead to action. Providing information is just a first step towards influencing behaviour. If demand for certain wildlife products is to be reduced significantly, demand reduction strategies need to be reviewed and demand reduction efforts need to be based squarely on a clear understanding of the underlying factors influencing consumer behaviour and how to change it, i.e. address the primary drivers of human behaviour.

There are success stories involving behavioural change. For example, for a long time, high demand made the Chinese market one of the most lucrative for the illegal trade in shark fins. A 2013 WildAid consumer survey in four major cities in China¹⁴⁵ demonstrated, however, that demand reduction campaigns had got through to consumers, prompting them not to purchase shark fins for food (e.g. shark fin soup). About 65 % of the respondents answered that they had stopped eating shark fins as a consequence of awareness-raising campaigns.

Other initiatives have included the Save the Elephants 'corridors of power' initiative, which has raised awareness in consumer countries, particularly China, with the help of sport, film and music celebrities, and policymakers.

¹³⁹ WWF. *Fighting Illicit Wildlife Trafficking. A consultation with governments*. Conducted by Dalberg and WWF; Anon. (2010). *Understanding the motivations: the first step toward influencing China's unsustainable wildlife consumption* TRAFFIC East Asia.

¹⁴⁰ WWF. *Fighting Illicit Wildlife Trafficking. A consultation with governments*. Conducted by Dalberg and WWF; Anon. (2010). *Understanding the motivations: the first step toward influencing China's unsustainable wildlife consumption* TRAFFIC East Asia.

¹⁴¹ <http://www.ifaw.org/united-states/news/fighting-underground-trade-ivory-one-collector-time>.

¹⁴² IFAW, Rapid Asia Flash Report, *Impact evaluation on ivory trade in China*. IFAW PSA: 'Mom, I have teeth'; <http://www.ifaw.org/sites/default/files/ifaw-china-ivory-report.pdf>.

¹⁴³ Wildaid and African Wildlife Foundation, *Rhino Horn Demand 2012-2014*; <https://www.awf.org/sites/default/files/media/Resources/Facts%20%26amp%3B%20Brochures/Rhino%20Horn%20Report.pdf>.

¹⁴⁴ Ibid., p. 2.

¹⁴⁵ WildAid, *Evidence of declines in shark fin demand – China*; http://wildaid.org/sites/default/files/resources/SharkReport_Evidence%20of%20Declines%20in%20Shark%20Fin%20Demand_China.pdf.

A number of international declarations in recent years have included calls for targeted demand-reduction campaigns, e.g. the London Declaration of February 2014, the UN Environment Assembly Resolution of May 2014 and UNGA Resolution 69/314. The Kasane Statement of March 2015 goes into more detail, urging countries to ‘strengthen our partnerships with business and others, and through regional collaboration agreements as appropriate, to reduce the demand and supply sides for illegal wildlife products’ and to ‘conduct and/or support research to improve understanding of market drivers, including monitoring the effectiveness of demand reduction strategies and collating a portfolio of demand reduction good practice’. At regional level, the 26th APEC Ministerial Meeting in Beijing in November 2014 welcomed cooperative action to reduce consumer demand. Demand reduction is also an issue of concern to range states in Africa and, at the International Conference on Illegal Exploitation and Illicit Trade in Wild Flora and Fauna in Africa (April 2015), environment ministers issued the Brazzaville Declaration calling for a joint conference with transit and consumer countries with a view to agreeing on joint action to eliminate the supply of, demand for and illegal trade in African wild flora and fauna products. A joint declaration issued after the 7th European Commission and African Union Commission college-to-college meeting on 22 April 2015 in Brussels included a commitment to addressing the supply of and demand for illegal wildlife products.

CITES, in particular, has in recent years laid greater emphasis on demand reduction as a key factor in addressing poaching and illegal trade. CITES Resolution Conf. 9.14 (Rev. CoP16) on the conservation of and trade in African and Asian rhinoceroses urged ‘the implicated states, as a matter of priority, to work with all user groups and industries to develop and implement strategies for reducing the use and consumption of rhinoceros parts and derivatives’ and CITES Decision 16.85 called on all implicated parties to ‘develop and implement long-term demand reduction strategies or programmes and immediate actions aimed at reducing the illegal movement and consumption of rhino horn products’, taking into consideration the draft demand-reduction principles developed by the CITES Rhino Working Group to achieve measurable change in consumer behaviour. Similarly, Resolution 10.10 (Rev. CoP16) on trade in elephant specimens urges the relevant parties to ‘engage in public awareness campaigns, including supply and demand reduction’ and Resolution 12.5 on conservation of and trade in tigers and other Appendix-I Asian big cat species urges consumer states ‘to educate the industry and user groups in order to eliminate the use of substances derived from Appendix-I Asian big cats’.

According to the latest (2009-2014) CITES biennial reports, most EU Member States conducted some form of awareness-raising on wildlife trade, ranging from media activities/campaigns to competitions. Awareness-raising activities targeted a range of stakeholder groups, including the public and private sectors (e.g. pet-shop owners, breeders, caviar producers/repackagers, luthiers, auction houses and antique dealers). The tactics used have been diverse and often innovative, but always geared to engaging target audiences and improving the knowledge base.

Many awareness-raising activities targeted tourists and took the form of events at airports and tourism fairs focusing on wildlife souvenirs. In 2013 and 2014, Belgium, Germany, Spain and the UK were among the Member States that issued press releases on CITES-related issues, including the burning of ivory stockpiles, asking the public to refrain from keeping primates as pets (due to their complex behavioural ecology and needs in captivity), the problems of purchasing souvenirs made from protected wildlife products, results of elephant surveys in Tanzania and anti-poaching efforts, operations addressing the illegal trade in eels and the issues of keeping exotic pets, and the work of a national wildlife crime unit. Latvia’s

management authority developed and organised nine presentations on CITES-related issues that were shown to more than 175 students and schoolchildren across the country. Slovakia's customs and management authority organised an event to destroy eight illegally imported rhino horns to highlight the critical situation of the illegal killing of rhinos for the rhino-horn trade. A number of leaflets, stickers, information panels and posters were created for the event, which was attended by over 750 people.

Innovative activities to raise public awareness included a CITES-themed evening and presentation ('Night of the Museums') at the Hungarian Customs and Finance Museum in 2011. Also in 2011, Latvia's Nature Conservation Agency ran a four-week educational and creative competition called 'March – CITES month!'. Activities included art, photo and poetry competitions on CITES-related issues. In the UK, a major television station aired a programme on illegal trade in rhino horn starring a well-known celebrity, WWF coordinated a significant media event and a 'behind the scenes' event at Heathrow was shown on national TV to highlight the seizure of illegal ivory.

4.2.4 Anti-corruption efforts (linked to action 8)

The problem of corruption has been recognised internationally. The UN Convention Against Corruption (UNCAC) and the OECD Anti-Bribery Convention established are legally binding agreements requiring parties to implement specific anti-corruption measures. The links between corruption and wildlife trafficking were described in November 2015 in a joint declaration by UNODC Executive Director Yuri Fedotov and CITES Secretary-General John Scanlon: 'Thanks to corruption's deadly touch, the natural wealth of countries is being stolen, efforts to eradicate poverty paralysed and development efforts greatly hindered. We are united in the belief that, by addressing corruption and bribery, we can deal a significant blow to all those involved in this transnational organised crime'.¹⁴⁶

The Declaration from the London Conference on Illegal Wildlife Trade in February 2014 noted that 'the criminal activity and corruption associated with trafficking restricts the potential for sustainable investment and development which is needed in new economic activities and enterprises' and at the follow-up conference in Kasane (Botswana) in March 2015 governments reaffirmed their 'zero tolerance towards corruption'.

At its first session on 27 June 2014, the UN Environment Assembly adopted a resolution on illegal trade in wildlife, calling on governments to 'promote and implement policies of zero tolerance towards all illegal activities, including corruption associated with the illegal trade in wildlife'. More recently (in July 2015), the UNGA Resolution on tackling illicit trafficking in wildlife called on member states to 'prohibit, prevent and counter any form of corruption that facilitates illicit trafficking in wildlife and wildlife products'. The joint declaration issued by the European Commission and African Union Commission after their 7th college-to-college meeting on 22 April 2015 in Brussels included a commitment to eliminating corruption associated with wildlife trafficking.

The ICCWC's 'wildlife and forest crime analytic toolkit' provides a range of tools for fighting wildlife crime, including some specifically targeting wildlife-crime-related

¹⁴⁶ <https://www.unodc.org/unodc/en/frontpage/2015/November/corruption-feeds-and-sustains-wildlife-and-forest-crime.html>.

corruption. Transparency International's *Analysing corruption in the forestry sector* provides guidelines for combating corruption in the south-east Asian timber trade.

In practice, anti-corruption strategies in development support have to date not always included wildlife trafficking as a focus area. An increasing number of initiatives by civil society have helped improve governance and law-enforcement responses to wildlife trafficking. In particular, these include the activities of regional NGO networks, who work in close collaboration with regional and international structures. One example is the Eco-Activists for Governance and Law Enforcement (EAGLE) network in West and Central Africa.¹⁴⁷ These organisations work closely with all national law-enforcement bodies (forest and wildlife, police, gendarmerie, customs, justice, national Interpol representatives) to detect and prosecute wildlife crime. In Kenya, the NGO Wildlife Direct has been very active in following up wildlife trafficking investigations to ensure that cases are prosecuted and pushed for legislative change to increase penalties against wildlife trafficking.¹⁴⁸

4.2.4 Diplomatic tools for more effective cooperation with relevant source, transit and market countries and regions (linked to actions 29 and 31)

Respondents to the Commission's 2014 stakeholder consultation called for the EU to address wildlife trafficking more through its diplomatic contacts, including in high-level political dialogues with key countries such as China. They also called for a greater role for EU delegations and Member States' diplomatic missions in addressing wildlife trafficking.

The European External Action Service is responsible for 139 delegations, making up one of the largest diplomatic networks in the world. This, together with the diplomatic representation of the Member States, gives the EU a unique tool to step up cooperation strategically and in a targeted manner with key source, transit and consumer countries and to exert its diplomatic influence where required.

The EU and the Member States have raised the issue of wildlife trafficking in political or sectoral dialogues in recent years, both with individual countries and with regional organisations. For example, the April 2015 joint meeting between the European Commission and the African Union Commission¹⁴⁹ resulted in a commitment to joint action in the area of wildlife trafficking, while the April 2014 Africa-EU summit¹⁵⁰ stated in its final declaration that the EU and Africa will fight terrorism and organised crime, including wildlife trafficking. This form of trafficking is also listed among the areas of cooperation in the EU's strategy for cooperation with ASEAN,¹⁵¹ while various forms of organised crime are covered by ongoing EU-ASEAN cooperation under the 2013-2015 Plan of Action.¹⁵²

To date, the EU has cooperated case by case with like-minded countries such as the United States, e.g. through joint initiatives, and the overall ongoing cooperation is not framed by a coordinated approach, involving the other countries throughout the trafficking chain. The EU and the Member States have recently started discussions to determine priority countries with which they should undertake comprehensive joint action on wildlife trafficking.

¹⁴⁷ <http://www.eagle-enforcement.org/>.

¹⁴⁸ See, for example: <http://hoee.wildlifedirect.org/hoeefeatured/wildlifedirect-launches-wildlife-crimes-report-for-kenya/>.

¹⁴⁹ See the 7th college-to-college meeting joint declaration, 22 April 2015, Brussels.

¹⁵⁰ See the declaration of the fourth EU-Africa summit, 2-3 April 2014, Brussels.

¹⁵¹ *The EU and ASEAN: a partnership with a strategic purpose*, joint communication (JOIN(2015) 22 final).

¹⁵² Bandar Seri Begawan Plan of Action to strengthen the ASEAN-EU enhanced partnership (2013-2017).

Going forward, the EU will need to channel available resources to ensure a comprehensive response to poaching and illegal wildlife trafficking. Where relevant, country assessments or framework documents, such as the proposed joint framework documents,¹⁵³ should look into wildlife trafficking in conjunction with its adverse impact, not only on biodiversity and the environment, but also on economic development and livelihood opportunities in the affected communities, the rule of law and security.

To gather information and coordinate responses, it is essential to set up a network of wildlife trafficking focal points in EU delegations and Member States' diplomatic missions that would complement, and whenever appropriate make use of, the existing Green Diplomacy Network. The United States has posted wildlife attachés in its embassies in Tanzania, Botswana, Thailand, China and Peru under its plan to implement its National Strategy for Combating Wildlife Trafficking.

4.2.5 EU trade policy in support of the fight against wildlife trafficking (linked to action 30)

EU trade policy supports and promotes environmental objectives such as wildlife protection and combating wildlife trafficking. This is reflected in particular in the EU's international trade agreements. When negotiating agreements, the Commission seeks to include substantial environmental provisions of relevance in the trade context, in a specific chapter on trade and sustainable development. These systematically include:

- commitments to implementing multilateral environmental agreements (MEAs), including CITES, effectively in domestic law and practice;
- commitments to ensuring high levels of environmental protection and the effective enforcement of and non-derogation from domestic laws in this area, to prevent a 'race to the bottom'; and
- specific provisions encouraging trade practices and schemes that support and promote sustainable development goals, such as the sustainable management and use of natural resources.

For example, such provisions are included in the EU's free-trade agreements (FTAs) with South Korea, Peru/Colombia, Central America, Singapore, Canada, Ukraine, Georgia and Moldova. More recent trade agreements, e.g. with Vietnam, include more specific commitments to taking effective measures to reduce illegal trade in wildlife, such as awareness-raising campaigns, monitoring and enforcement measures.

Committees established under these FTAs are responsible for monitoring implementation of the sustainable development chapters and allow the EU to raise issues relating to wildlife trafficking and ask what measures the other party is taking or intends to take in this area.

In the context of the negotiations for a Transatlantic Trade and Investment Partnership (TTIP), the EU and the USA have identified the fight against wildlife trafficking as an issue of mutual interest and the future agreement should contain commitments to combating the phenomenon and to cooperating further in this area.

¹⁵³ See *The EU comprehensive approach to external conflict and crisis*, joint communication (JOIN(2013) 30 final).

More prominence is also being given to commitments against wildlife trafficking in other countries' trade agreements. This is notably the case with the Trans-Pacific Partnership Agreement concluded in October 2015 between the USA, Japan, Malaysia, Vietnam, Singapore, Brunei, Australia, New Zealand, Canada, Mexico, Chile and Peru, which contains detailed provisions on such matters.

In addition to its FTAs, the EU has been actively promoting effective implementation of the CITES Convention by the eight countries benefiting from the Generalised Scheme of Preferences (GSP) + arrangements¹⁵⁴. The countries enjoy lower tariffs for their exports of a number of products to the EU, provided that they have ratified and effectively implemented a number of international conventions, including CITES. The Commission monitors on an ongoing basis whether these conditions have been satisfied, and reports regularly to the Council and the European Parliament. In January 2016, in its first report since the revised GSP arrangements were adopted, the Commission highlighted shortcomings in some countries' implementation of the CITES Convention (in particular, national legislation failing to ensure full implementation, insufficient reporting and other specific issues), stressing that these should be addressed as a matter of priority¹⁵⁵.

The FTA and GSP+ measures demonstrate the role that trade policy can play in supporting the EU's general policy on wildlife trafficking. *Trade for all – towards a more responsible trade and investment policy*,¹⁵⁶ the Commission's new trade strategy, further strengthens that approach, as it explicitly commits the EU to giving greater priority to the sustainable management and conservation of natural resources, including wildlife, in FTAs and in their implementation.

¹⁵⁴ Cape Verde, Bolivia, Paraguay, Philippines, Pakistan, Mongolia, Armenia and Georgia. (Ecuador ceased to be a GSP+ beneficiary on 1 January 2015; Costa Rica, Guatemala, El Salvador, Panama and Peru ceased to be GSP/GSP+ beneficiaries on 1 January 2016).

¹⁵⁵ http://trade.ec.europa.eu/doclib/docs/2016/january/tradoc_154180.pdf

¹⁵⁶ http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153846.pdf.

Annex 1

The following table provides examples of fines, prosecutions and court actions for CITES-related offences reported by EU Member States in 2011–2012 and 2013–2015.

	2011–2012			2013–2015	
	Case details	Sanctions		Case details	Sanctions
Belgium	Tortoise breeder charged with making false declarations and forgery, with the intent to trade fraudulently in CITES-listed species, and failing to comply with animal welfare legislation.	EUR 8 500 fine and six months' prison sentence (with three-year reprieve).	Germany	Import of 62 kg of stony coral jewellery (<i>Scleractinia</i> spp.).	Fine of EUR 16 500.
Bulgaria	Seizure of two live Bonelli's eagles <i>Hieraetus fasciatus</i> (CITES Appendix II/Annex A to Council Regulation (EC) No 338/97) from a Bulgarian citizen attempting to export them with false certificates.	EUR 1 500 fine and 2.5 years' prison sentence (on probation) and confiscation of specimens. Court decision was not final and subject to an appeal.	Denmark	Illegal trade of parrots between 2009 and 2011.	Fine of around EUR 87 000, confiscation of 11 eggs, 31 parrots and trade profit of around EUR 28 500.
Czech Republic	Theft of a rhino horn (White Rhinoceros <i>Ceratotherium simum</i>) from Buchlov Castle (private person).	Three-year prison sentence.	Greece	Illegal collection and possession of 63 wild live specimens of Hermann's tortoise (<i>Testudo hermanni</i>) and marginated tortoise (<i>Testudo marginata</i>), kept in poor conditions.	Administrative fine of EUR 5 000 – no court decision yet.
Germany	German citizen offering monkeys, spotted cats, parrots, turacos, birds of prey and owls for sale on the internet without proof of legal import or acquisition.	Three-year prison sentence.	Spain	Over 130 animal parts (birds and mammals, including porcupines and primates) found in personal luggage coming from South America.	Four-month prison sentence, fine of EUR 225 000 and confiscation.

Ireland	Irish national found guilty of illegally importing six snakeskin handbags from Indonesia (<i>Python reticulatus</i>).	Fine of EUR 1 250 and forfeit of specimens (value of EUR 2 000).	Croatia	Seizure of 18 live wild specimens of Hermann's tortoise (<i>Testudo hermanni</i>) with no permits in transit through Croatia from Bosnia and Herzegovina to Italy.	Fine of EUR 500 and confiscation of specimens.
	Two Irish nationals convicted of illegally importing eight rhino horns, seized in Shannon Airport (arrival from Portugal).	Fine of EUR 500 with three months in default.	Malta	Individual found in possession of a Canadian lynx (<i>Lynx canadensis</i>) and a bobcat (<i>Lynx rufus</i>) declared to have been imported from the USA without CITES documentation.	Fine of EUR 650 and confiscation of specimen.
Slovakia	Two attempts by Ukrainian citizens to smuggle parrots from Slovakia to Ukraine in 2011 (69 and 156 specimens).	Expulsion from Slovakia for two years and forfeit of specimens.	Slovenia	360 kg (7 784 dead specimens) of various bird species (including European turtle dove <i>Streptopelia turtur</i>) seized from vehicle, no documentation, criminal prosecution	EUR 7 000 fine and destruction of all specimens.
United Kingdom	Sale of elephant ivory artefacts on eBay and subsequent export.	80 hours of community service, 10-week curfew order and GBP 500 (approx. EUR 590) costs.	United Kingdom	Attempted smuggling of 24 boxes of live endangered Indonesian corals, 136 of which were banned species, weighing ~0.5 tonnes into the UK	Charged with three illegal importation offences. Sentenced to 12 months imprisonment, suspended for 18 months.
				Sale of imported specimens of endangered species including two leopard cat skulls and 134 primate specimens (including monkey heads), and possession of images of bestiality	Sentenced to 14 months' imprisonment, suspended for two years.

Annex 2

Case studies

Case study 1 – Organised crime network trading in exotic birds in Spain

Illustrating:

- organised criminality relating to illegal wildlife trade;
- links with other criminal offences (falsification of documents, breach of relevant tax/financial regulations); and
- the high value of the specimens involved.

In a recent (2015) criminal case, five individuals were convicted for illegal trade in and commercial sale of protected bird species in Spain. During a vehicle inspection, enforcement officials seized over 100 exotic and native birds on the grounds that the animals had no documentation proving their origin.

An investigation was launched, with authorisation for wiretapping and search warrants, during which officials uncovered a complex, professional and organised criminal network, involving many players from importer to final holder and seller of the specimens.

Once the live birds had been imported into Spain, they were held at facilities and homes until the network acquired rings and microchips from dead legal specimens. A veterinarian was in charge of marking the illegally sourced specimens to comply with national legislation. The activities were further concealed by the falsification of invoices and documents as regards the number of birds actually sold.

Birds (including very rare parrots without markings) were found and seized at the perpetrators' premises for estimated values of EUR 35 000, EUR 66 000 and EUR 221 000.

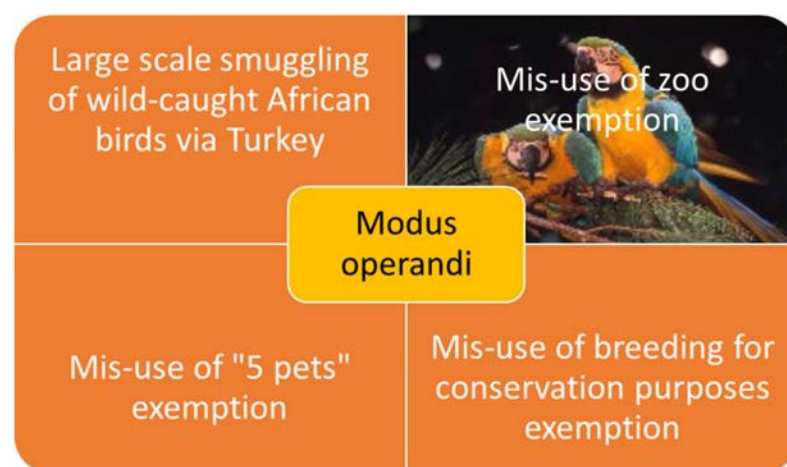
Source: *Guardia Civil*, Spain

Case study 2 – Organised criminal network smuggling birds across the EU and the Middle East

Illustrating:

- the involvement of organised criminal networks in illegal wildlife trade; and
- the use of mutual legal assistance in a cross-border investigation.

In April 2015, two individuals were convicted of participating in an organised criminal network smuggling protected and unprotected birds across EU Member States and the Middle East, particularly the United Arab Emirates. The investigation had been conducted by the Dutch police and the Dutch Food and Consumer Products Safety Authority, who (with mutual legal assistance from many EU and some Middle Eastern countries) uncovered a vast criminal network that had violated EU law and animal welfare legislation.



The main suspect was sentenced to 15 months in prison (five months were conditional), conditionally banned from trade in wildlife and given a fine of EUR 10 000. All specimens were confiscated. The other suspect was sentenced to 240 days in prison (129 of which were conditional). Both defendants have appealed.

Source: Dutch Food and Consumer Products Safety Authority

Case study 3 - Belgian ruling on organised large-scale smuggling of birds across the EU

Illustrating:

- a clear analysis in the court ruling, through reference to typical features, of the involvement of organised crime; and
- conviction for laundering the proceeds of the crime, coupled with confiscations of illegal gains,

In 2014, Belgium found four individuals guilty of participating in an organised wildlife trafficking operation across Europe. This was the result of a long and extensive judicial inquiry, including mutual legal assistance between Belgium, the UK, Spain, France, Germany, Austria and the Netherlands.

The perpetrators were involved in the illegal taking of Annex A to Council Regulation (EC) No 338/97 listed species of bird eggs/infant birds (mainly birds of prey) from the wild in France and Spain. The young birds were hand-reared and ringed. Through forging of rings and breeders' declarations, the defendants obtained CITES certificates for 'captive born and bred' specimens, which allowed them to offer the birds for sale in spite of the general ban on trade in Annex A species.

The operation proved extremely profitable: Bonelli's eagles (*Aquila fasciata*) were sold for EUR 10 000, bald eagles (*Haliaeetus leucocephalus*) for EUR 5 000, an African fish eagle (*Haliaeetus vocifer*) for EUR 6 000 and a booted eagle (*Hieraaetus pennatus*) for EUR 5 000.

The four defendants were found guilty of participating in a criminal organisation with branches in Spain, the UK, Austria, Germany, France and the Netherlands. Typical features of a criminal organisation identified by the court were a clear hierarchy and division of tasks, the use of authorities and establishing a zoo to gain credibility and access to the market.

The defendants were also convicted of fraud regarding CITES export permits, failure to keep a CITES register and using illegal traps and nets. In addition, the leading defendant and his wife were convicted of laundering the profits through a contractor company. Sanctions included fines, custodial sentences and confiscation of the gains.

During the criminal proceedings, the court explicitly compared the case with international drugs trafficking and highlighted that the defendants had taken advantage of the low political priority assigned to wildlife trafficking.

Note: not final decision – appeal in progress.

Case study 4 – Organised criminal network smuggling rhino horns from South Africa to Asia via the Czech Republic

Highlighting

- the complex organised criminal networks operating in the illicit wildlife trade which utilise various *modus operandi*

Since 2011, the Czech Republic had conducted criminal investigations into illegal trade of white rhinoceros horns involving South Africa and Vietnam.

Prior to February 2015, white rhinoceros hunting trophies could be imported to the EU for personal purposes with a South African export permit alone (no import permit was required). Investigators found that organised criminal groups of Vietnamese financiers were recruiting Czech nationals as ‘pseudo-hunters’ and paying their expenses to travel to South Africa for bogus ‘hunting trips’. These included people with no previous hunting experience and without a gun licence, some of whom were in debt. Their details were used to export the horns illegally from South Africa (at first directly, later via the Czech Republic) to Vietnam, where they were sold on the black market, responding to and fuelling a growing demand for rhino horns in the country.

Following several seizures of rhino horns and 15 arrests between March 2012 and July 2013, the Vietnamese financiers changed the *modus operandi* and recruited legitimate hunters with firearms licences. The purpose remained the same: to abuse the EU rules on the legal import of hunting trophies for personal use only to channel the horns illegally to Vietnam.

The Czech authority estimated the value of the rhino horns at up to about EUR 40 000/kg.

The Vietnamese groups were also found to be active in trade in tiger bones, ivory and drugs.

In total:

- between 2009 and 2015, 60 rhinos were hunted by Czech hunters in South Africa; it is believed that the intention in most cases was to smuggle them to Vietnam;
- 28 rhino horns were seized in the Czech Republic, Slovakia and Germany;
- in July 2014, two people were sentenced to five years in prison and one person to three years for the illegal handling of protected species; they appealed; and
- a further 16 people were indicted and are awaiting their sentence.