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ILLICIT WILDLIFE TRAFFICKING: AN ENVIRONMENTAL, ECONOMIC AND SOCIAL ISSUE.

WWF and TRAFFIC

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UN Secretary-General Ban Ki-moon: "The environmental, economic and social consequences of wildlife crime are profound. Of particular concern are the implications of illicit trafficking for peace and security in a number of countries where organized crime, insurgency and terrorism are often closely linked."

UN Secretary-General Ban Ki-moon, World Wildlife Day, March 2014

1) Summary

Sustainable use and trade of natural resources is at the interface of conservation and development, inextricably linked with the economic, social and environmental dimensions of sustainable development, including the right to security, to health care and to adequate nutrition. Conversely, wildlife crime, in particular the increased involvement of organized criminal networks, undermines governance frameworks and the potential to achieve sustainable development objectives.

Over the past 18 months, wildlife crime has become an issue of concern at the highest political level, taken up in the United Nations by the Security Council, General Assembly and Secretary-General Ban Ki-moon; at regional fora such as the Africa Security Summit, the APEC Leaders Meeting and the European Union; and by a growing number of Heads of States and world leaders, from President Ali Bongo of Gabon and President Jakaya Kikwete of Tanzania, to US President Barack Obama and the UK Royal Family. Worldwide there is a growing realization that such crime is not simply an issue of environmental concern. Certainly it has decimated populations of some of the world's

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most iconic wildlife species, but wildlife crime reaches into many natural resource sectors; it negatively impacts economic development, engenders corruption and undermines the rule of law, putting national and potentially even international security at risk. It is a serious issue that affects us all.

The illegal wildlife trade is perhaps the last form of global organized crime to be addressed seriously by national and international authorities, and instead has been treated mostly as a specialist niche within conservation work; its scope, scale and impact has been massively underestimated.

Traditionally, wildlife crime was seen as being driven by demand in consumer countries, facilitated by poverty in source countries. These drivers still remain, but a parallel illicit wildlife trade is emerging, increasingly dominated by criminal networks that are better organized, better equipped and possessing extensive trade links spanning continents. Wildlife crime of this nature must be treated the same as other criminal activities that share the characteristics of serious organized crime. Such crime drives and is facilitated by the pervasive erosion of governance structures through corruption and the breakdown in the rule of law. Wildlife crime, and the subsequent loss of natural capital, heritage and of the natural world upon which we depend, is the symptom of a chronic disease. It is a development issue that requires action across a diverse range of agencies and sectors, through strategic and timely interventions.

Strong legislation, enforcement and criminal justice systems are required for effective and transparent governance and rule of law. Enhanced collaboration at national, regional and international levels; and reducing consumer demand play strong supporting roles. However, enforcement by itself, while a necessary part of the overall governance structure, will never stop wildlife crime. Developing and strengthening governance structures which recognize sustainable development goals and which provide incentives for positive engagement can function as deterrents to illegal and unsustainable activities. Multi-sectoral policy coherence is also critical: enforcement and conservation policies must support objectives for poverty eradication, and policy coherence for sustainable development should extend also to trade, natural resource extraction, taxation, illicit financial flows and the role of the private sector, particularly in conflict-affected states and states which have weak governance structures.

This paper examines the commonalities between wildlife crime and other types of serious crime, exploring why it has taken so long to be recognized on the international stage, what has been done to address wildlife crime and what measures are needed to curb it.

The importance of the suite of on-ground enforcement actions, community access and benefit sharing as well as incentives for sustainable use that are taking place at a national scale is well recognized, but is not the focus of this discussion.

2) Introduction

Wildlife crime is not defined in any treaty, but is understood to refer to any environment related crime that involves the poaching, capture, collection or processing of animals and plants taken in contravention of national laws, and any subsequent trade in such animals and plants, including their derivatives or products. Thus it includes crime associated with fisheries and timber products, the wildlife commodities that account for the greatest portion of global trade.

The global value of illegal trade in all wildlife products, including timber and fisheries resources, has been estimated to be a minimum of \$19 billion per year¹, which would make it the fourth biggest illicit transnational commodity trafficked worldwide, after drugs, counterfeit goods,



and humans². Even this is a conservative estimate, as the following values indicate; the global value of illegal fishing has been estimated to be at minimum approximately €10 billion per year, accounting for 19 per cent of the reported value of catches;³ and global illegal logging, including processing, is estimated to be worth between US\$30 and US\$100 billion, or 10–30 per cent of global wood trade⁴.

However, the notion that wildlife crime is somehow set apart from other forms of organized transnational crime is a common misconception, and one that has impeded progress in combating biodiversity loss and in crime prevention. The mistake that people make about this form of illegal activity is that “it is only fish”, or in the case of the notorious Anson Wong, “he only smuggles reptiles”. In other words, it is not people trafficking or drug smuggling and therefore not perceived as “serious”. This ignores what goes on behind the scenes to enable smuggling to take place: the predicate offence – illegal off-take and trade must be considered in the context of cross-over crimes such as bribery, corruption and money laundering, which are fundamental requirements in illegal international trade, including illegal wildlife trade. What makes it yet more attractive to the criminal world is that it has tended to be viewed as a soft crime, with relatively low levels of enforcement effort expended and thus little risk of being apprehended. Even if caught, legal penalties are often weak, and where stronger penalties do exist, the judiciary has often been reluctant to impose them.

Whether we are talking drugs, people or wildlife, the common issue is organized crime. Addressing the increasing involvement of criminal networks in wildlife crime first requires recognizing the commonalities and cross-over crimes, involving entirely different sectors (e.g. humans, narcotics and arms), by strengthening cross-sectoral governance structures and by mainstreaming the environmental / natural resource portfolios to ensure policy coherence with other sectors.

3) An escalating problem

The present escalation in illegal trade in ivory, rhino horn and precious timbers is caused primarily by demand of a growing middle class in Asia which can afford products formerly reserved for the elite few. But illegal trade is not only restricted to charismatic flora and fauna or to demand in Asia: 20-30% of fisheries products imported into the US are from illegal and unreported sources⁵, while the EU imports significant quantities of illicit timber and fisheries⁶. Addressing transnational organized crime is a mutual responsibility.

There is a large body of evidence supporting the involvement of organized criminal involvement in illicit timber trade⁷, and growing evidence from, *inter alia*, EUROPOL⁸ that the high profits, relatively low punishments and low risk of detection are attracting organized criminal groups. Organized wildlife crime can be linked to corruption, tax evasion and money laundering, and is often associated with organized trafficking of conflict minerals, drugs, arms, toxic substances and humans⁹. The resultant mix of theft and destruction is denying some of the poorest nations on Earth the right to protect their natural resources, to choose how they may be best used, and to determine how best to distribute the benefits they provide. Proceeds from these crimes often go untraced but can be used to fuel other criminal or armed militia activities, either in-country or elsewhere¹⁰. The organized nature of criminal syndicates involved in wildlife crime undermines economic, social and political development.

There is also increasing intelligence about the links of such groups to armed militia groups in Africa.^{11,12} High levels of poaching also impact on other areas, such as the tourism industry.



Poaching and illicit wildlife trafficking go beyond direct removal of the wildlife that support and foster growth of the nature-based tourism sector, to creating additional constraints that deter development of a quality tourism sector and deprive developing countries of foreign exchange revenue. In 2012 alone, the tourism sector (much based on wildlife tourism) generated more than \$36 billion or 2.8% of Africa's gross domestic product.¹³

Clearly, therefore, improving governance and disrupting the criminal organizations behind wildlife trafficking is in the interests of world governments and law-abiding citizens, and not just a biodiversity conservation niche.

Interventions to tackle the illegal trade in threatened species have focused traditionally on reducing the supply of wildlife specimens, typically through enhancing law enforcement effort, increasing seizures and prosecutions and strengthening the suite of penalties and other deterrents aimed at poachers and traffickers. However, it is clear that the recent rising levels in poaching and illegal wildlife trade has largely been driven by significantly rising demand. Sustained economic growth in these markets has given rise to trends such as the conspicuous consumption of unique, precious and rare wildlife products, in the same manner as other luxury goods. Long-held medicinal and cultural beliefs are also contributing to driving this status-driven consumption of wildlife. In view of these fast-changing trends, shifts in demand for wildlife, and the impact they are having on wild populations, it is no surprise that reducing demand for endangered species is now receiving previously unseen levels of attention.

The issue of demand reduction was frequently raised by Parties at the 13th Meeting of the Conference of the Parties to CITES in Bangkok in 2013, with the CITES Resolution on elephants being amended to include "demand reduction" as a necessary course of action in end-use markets and CITES Parties endorsing, for the first time, a demand reduction strategy specific to rhinos. The issue has also received high-level political attention, with the March 2014 London Conference on Illegal Wildlife Trade setting out specific objectives and tangible actions to eradicate demand for illegal wildlife products. There is also increased attention on demand reduction approaches that go beyond just awareness-raising and focusing on behaviour change, characterized by good scientific research, careful audience segmentation, a rich mix of expertise and disciplines, high-level and corporate buy-in, governmental leadership and long-term investment. This recognizes that, to achieve real and long-lasting behaviour change in these consumers, their personal beliefs, values, attitudes and motivations need to be thoroughly understood and addressed, as do the social factors that affect those motivations, such as status or peer pressure.

a) What's at stake?

The impacts of wildlife crime go far beyond the wildlife species directly affected; they impact on human lives, including the many rangers who have paid the ultimate price, losing their lives protecting wildlife from poaching gangs. Without forgetting this, it is nevertheless insightful to put some figures on the impact that crime is having on some of the world's wild plants and animals:

- Up to 25,000 elephants are killed each year in Africa.¹⁴
- Rhino poaching in South Africa has risen over 7,000 per cent from 13 animals illegally killed in 2007 to 1004¹⁵ in 2013.
- There are as few as 3,200 tigers left in the wild¹⁶ and illegal trade is one of the greatest factors in their decline.
- Elephants in the Congo Basin have declined by more than 60 per cent in the last decade¹⁷ primarily as a result of poaching, threatening the stability of the forest ecosystem.
- An estimated €10-€15 billion is lost annually through illegal logging;¹⁸



- Shark harvest and trade includes extensive illegal elements in addition to the sustainability challenge. Some 100 million sharks¹⁹ are killed annually (although not all through illegal trade), many killed simply for their fins.
- Illegal fishing undermines both fisheries management and sustainable development. The estimated global value of illegally caught fishery products is approximately €10 billion per year. Between 11 and 26 million tonnes of fish are caught illegally each year, at least 15 per cent of world catches²⁰.

b) Case study: large-scale ivory seizures

One of the best-documented wildlife-related criminal activities is the illicit trade in elephant ivory. Ever since 1989, WWF's wildlife trade specialist partner organization TRAFFIC has compiled information on global ivory seizures through what has become known as the Elephant Trade Information System (ETIS), which is managed by TRAFFIC on behalf of government Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Although the seizure data include records of small-scale confiscations of souvenirs and other decorative items from international tourists, the most significant component of the data is that pertaining to large-scale seizures (defined as those greater than 500 kg). Shipments of this size are considered indicative of the involvement of organized criminals. In order for smuggling of this scale to be attempted, there must be multiple people involved. They are unlikely to undertake such an activity on a one-off basis; rather they will plan to carry out such operations on an ongoing basis using business-like procedures - a key characteristic of organized crime. Corruption will inevitably play a role. Such large-scale shipments are unlikely to proceed along the entire trade chain without the connivance of relevant enforcement and other officials. Even if the traffickers themselves are not engaged in other types of crime, the pernicious effect of this trade in terms of undermining governance and the rule of law is clear.

Analysis of ETIS data shows an increasing number of such large-scale ivory seizures in recent years, correlating with a rise in poaching levels of African elephants, such that illegal ivory trade activity in 2012 was around two and a half times greater than levels in 1998. In fact, 2011 was the worst year ever for large-scale ivory seizures, with some 21 incidents involving a total of more than 34 tonnes of ivory.²¹ And, although data for 2013 are still incomplete, already 18 large seizures have been recorded, yielding more than 41 tonnes, a greater quantity of ivory than any other previous year going back to 1989.²² Whether this constitutes an increase in actual illegal trade volumes or reflects improved law enforcement in particular countries/territories is presently not known, but statistical analysis of the data indicates beyond doubt that the upward surge in terms of the weight of ivory seized from 2009 to 2011 inclusive, does represent increased illegal activity. In addition to such seizures being indicative of the presence of organized crime in the illicit ivory trade, they often involve Asian-run, Africa-based sourcing of ivory. It must also be borne in mind that these are the shipments that are intercepted; it is not known how many others are getting through.

c) Case study: Cross-over crimes and marine fisheries

There is no doubt that legal, sustainably managed fisheries contribute to poverty alleviation, livelihoods, food security and to national GDPs. However, there is an abundance of evidence of organized crime involvement in fisheries. This can take the form of illegal fishing, directly impacting marine biodiversity, food security, livelihoods and economies (see above), but also of labour and human rights abuses. A UNODC study on Transnational Organized Crime in the Fishing Industry²³ documented severe abuse of fishers trafficked for the purpose of forced labour on board fishing vessels, frequently involving children. Several instances were recorded where human trafficking on board fishing vessels was linked to marine living resource (MLR)²⁴ crimes.

In addition to fishing operators engaging in MLR crimes, transnational organized criminal groups were found to be engaged in MLR crimes in relation to high value, low volume species such as



abalone. MLR crimes conducted by such groups can be characterised by highly sophisticated operations, often with complex incorporation and vessel registration strategies, high degrees of logistical coordination and laundering of illegally caught fish on to the market, often through trans-shipments at sea and fraudulent catch documentation. Investigation and prosecution of such criminal activities has proved challenging, with indications that the fishing licensing and control systems were vulnerable to corruption.

As one response, INTERPOL recently established Project Scale, to detect, suppress and combat fisheries crime. It was established following recognition of the threats of illegal fisheries to food security and livelihoods and the links with other serious crimes including money laundering, fraud, human trafficking and drug trafficking²⁵.

4) Political commitments over the last two years

Many governments, inter-governmental organizations and non-government organizations have taken significant action against wildlife crime for decades. However, the issue was not given the necessary high level political attention across the environmental, economic and social sectors that it requires. The political dynamics have changed in recent years in response to the growing threat and increase in the involvement of organized crime. The following are some of the important political milestones of the last two years:

During a 2012 event where Gabon's stockpile of ivory was incinerated, the country's President, Ali Bongo, pledged zero tolerance towards illegal wildlife trade, starting with strengthening the judicial capacity of the country to deal with these cases.

In March 2013, speaking at the CITES CoP in Bangkok, the Prime Minister of Thailand Yingluck Shinawatra pledged to end all ivory trade in Thailand.

A high-level statement issued at the March 2013 meeting of CITES Parties in Bangkok stressed that wildlife crime demanded a response equivalent to that afforded to other transnational organized crimes such as the trafficking of narcotics, humans or arms.

In April 2013, the UN Crime Commission recognized wildlife crime as a serious organized crime, meaning that national laws should provide for maximum penalties of four years or more in prison.

In May 2013, UN Secretary-General Ban Ki-moon and the majority of UN Security Council members recognized the threat that illegal wildlife trade poses to international security, particularly in Central Africa.

In May 2013, in a significant warning that wildlife crime also threatens economies, African Development Bank President Donald Kaberuka, together with President Ali Bongo of Gabon, launched The Marrakech Declaration, an action plan to combat illegal wildlife trade, at the African Development Bank annual meeting.

In September 2013, at the opening of the UN General Assembly, Heads of State and foreign ministers highlighted wildlife trafficking as a major foreign policy issue, and called for further action by the UN.

In 2012-2014, two consecutive presidents of Kenya, the presidents of South Africa, Tanzania Botswana all made public calls for more action against wildlife crime.



In December 2013, at an Africa-France Summit for Peace and Security in Africa, French President François Hollande and African Heads of State from across the continent highlighted that poaching and wildlife trafficking are a threat to peace and security in Africa and worldwide.

In December 2013, a "Friends of Group to fight Illicit Wildlife Trafficking" was established in New York at Ambassadorial level to progress the issue in the context of the United Nations. The Friends of Group is co-chaired by Gabon and Germany and includes Australia, Belgium, Botswana, Brazil, China, France, Indonesia, Japan, Kenya, Malaysia, Mexico, Tanzania, UK and USA.

In January 2014, the United Nations Security Council specifically mandated sanctions on wildlife traffickers, whose activities were found to be providing support for armed groups or criminal networks, in eastern Democratic Republic of Congo and the Central African Republic.

In February 2014, many of the commitments within the Marrakech Declaration were mirrored in the London Declaration issued at the London Conference on Illegal Wildlife Trade. Prompted by an earlier meeting hosted by His Royal Highness, Charles, Prince of Wales, and H.R.H. William, Duke of Cambridge, the Conference was organized by the UK Government. The adopted Declaration was endorsed by high-level representatives of 41 countries - plus the European Union - and included many countries heavily impacted by poaching and illegal trade.

In April 2014, the European Parliament called for an EU Action Plan against wildlife trafficking to be drawn up, together with an associated Strategy which is being undertaken by the European Commission following an expert consultation.

In addition, high level fora not associated with the environment have acknowledged the gravity of wildlife crime, and are making commitments to address it. Leaders' meetings at economic fora, such as APEC, G8 and the African Development Bank Annual Meeting, have all spoken out against the issue.

High-level collaborative wildlife crime "task forces" or their equivalent have recently been set up in the US, Germany, the UK and Gabon, and Kenya has committed to creating one.

In July 2013, US President Barack Obama established a Presidential Task Force on Wildlife Trafficking and committed US\$10 million of new funding to Africa, while in 2013, the UK government pledged UK£10 million to fighting illegal wildlife trade. In May, 2014, the Chinese Premier Li Keqiang also pledged US\$10 million of free aid for wildlife preservation in Africa, and stated China's commitment to combat poaching and ivory smuggling.

Throughout this period, supportive statements and commitments from religious leaders of multiple faiths in Africa and Asia have also supported and helped magnify messages calling for action against wildlife crime.



Statements by key leaders in the debate

Some key individuals have made bold statements about the impact of wildlife crime and the urgent need for international co-operation to tackle its impact. They include:

Gabon President Ali Bongo Ondima, African Development Bank 2013 Annual Meeting: "Today wildlife crime has become a serious threat to the sovereignty and the stability of some of our countries. More and more of the profits are used to finance civil conflicts and terrorist-related activities. Furthermore, illicit wildlife trafficking is often linked to other forms of illegal trafficking and to money laundering. Over and over again, all across Africa, we have seen poachers move into peaceful regions blessed with rich natural assets, initiating a spiral of criminality and suffering that ends in civil war."

US Secretary of State, Hillary Clinton, Partnership Meeting on Wildlife Trafficking, 2012: "Trafficking relies on porous borders, corrupt officials, and strong networks of organized crime, all of which undermine our mutual security. Local leaders are telling their national leaders that they can lose control of large swaths of territory to these criminal gangs. Where criminal gangs can come and go at their total discretion, we know that begins to provide safe havens for other sorts of threats to people and governments."

EU Environment Commissioner Janez Potočnik, opening address at the Expert Consultation on the EU approach against Wildlife Trafficking, 2014: "The damages caused by wildlife trafficking are enormous, and the efforts we undertake to combat it effectively will have to match the gravity of the situation."

John Scanlon, Secretary-General of CITES, at the conclusion of Operation Cobra II March 2014: "Multinational operations are of great significance in the fight against wildlife crime rings."

5) Next steps and recommendations

Although there have been a number of significant high-level political commitments made, the challenge now is to turn these into action on the ground to protect natural resources and enable sustainable development.

While not an exhaustive list, WWF and TRAFFIC believe that the following policy actions are some of the most critical next steps to move forward with the current level of political momentum and commitment to the issue.

Overall

- 1) Governments, Intergovernmental Organizations and Regional Economic Integration Organizations must implement commitments made to date; particular attention should be given to implementation of recommendations arising from the London Conference on Illegal Wildlife Trade (February 2014); Paris Elysée Summit for peace and security in Africa, (December 2013) and the African Elephant Summit (Gaborone, December 2013).

At the United Nations Level:

- 1) Develop a protocol concerning "Illicit trade in wildlife, including fisheries and forest crime" under the UN Convention on Transnational Organized Crime (UNTOC) in order to provide clarity to Parties concerning definitions of illegal wildlife trade, jurisdiction and steps required at the national level.
- 2) Adopt a UN General Assembly Resolution on Illicit Wildlife Trafficking. Although CITES is a multilateral mechanism with a mandate focusing on sustainable, legal and traceable wildlife trade, it's scope is limited to regulation of international trade in species listed in one of three Appendices. A UNGA Resolution would provide the political platform



to build upon existing resolutions and international commitments, provide guidance to States Parties through an appended Plan of Action, strengthen implementation of CITES and firmly establish the cross-cutting nature of serious and organized crime. In addition, a UNGA Resolution would strengthen support for existing mechanisms, such as ICCWC, and regional enforcement networks, such as in ASEAN.

- 3) Appointment of a Special Representative of the Secretary General (SRSG). This could become an important mechanism for leveraging high-level attention and support beyond the environmental sphere, strengthening institutional linkages, and facilitating coherence in international and national policy for natural resource governance, including enforcement. An SRSG could facilitate increased research on and promote understanding of social and economic threats from illicit wildlife trafficking, exploring legal and institutional opportunities to combat these threats, and ensuring an integrated approach and complementarity of actions to improve governance and to tackle wildlife trafficking.
- 4) Inclusion of the following target on environmental crime in the Sustainable Development Goals (SDGs): "Environment crime is treated as a serious crime at global, regional and national levels with improved legislation and effective inter-agency and trans-boundary measures adopted for strengthening law enforcement and criminal justice systems." This target should be reflected in specific targets concerning criminality in fisheries, for example Illegal, Unreported and Unregulated (IUU) fishing, and illegal logging / forest crime. It should also be cross-cutting in nature and be embedded in goals concerning, *inter alia*, rule of law, poverty eradication, biodiversity and oceans.

At the National Level:

- 5) Establish a National Environmental Security Task Force (NEST) or similar multi-agency cooperative as recommended by INTERPOL. National task forces should include police, customs, environmental agencies, other specialized agencies, prosecutors, non-governmental organizations and intergovernmental partners.
- 6) Amend legislation (if required) to ensure that illicit wildlife trafficking of endangered species with evidence of intention to profit is treated as a serious offence with sentences to at least four years of imprisonment, as defined in Article 2.b) of UNTOC.
- 7) In the fisheries context, States should universalize jurisdiction over marine living resource (MLR) crimes and ensure that national enactments of criminal laws pertaining to MLR are harmonized and share common features that optimize prevention, deterrence and punishment of MLR crimes. This cross-border and multi-jurisdictional element would facilitate pursuit of criminal activity across international maritime zone boundaries and issues governed by more than one national jurisdiction.
- 8) Strengthen the judiciary sector with better awareness, capacity and resources to ensure that the legal framework for legal wildlife, including fisheries and timber, products is efficient and transparent, and that prosecutions for illicit wildlife trafficking are conducted effectively and transparently, to the full extent of the law and using the strongest penalties available.
- 9) Encourage and support governments to implement the UNODC Wildlife and Forest Crime Analytic Toolkit which provides guidance on combating wildlife crime, for example:
 - a. Encourage and support governments to invest in capacity building to investigate illicit financial flows including establishing the requisite structural frameworks. This could include, *inter alia*, establishing Financial Intelligence Units (FIUs), establishing regimes - including due diligence - for banks and other financial institutions to deter and detect money laundering, and training on anti-money-laundering in relation to wildlife and forest offences.
- 10) Develop and implement long-term behavioural change programmes to dissuade consumer demand for illegal wildlife products, as demonstrated by measurable changes in consumer behaviour.



The greatest challenge in combating illegal wildlife trade is not just to bring this to the attention of some of the most powerful and influential people in the world, but to convince them to act, and to build and provide sustained support to the coordinated national and international response required. The response needs to bring agencies for the environment, police, justice, defence, and foreign affairs together to focus on this issue as never before. It also requires close co-operation between countries along the entire trade chain, from the source, through transit, and to the ultimate consumer. Its success relies on recognition of the gravity of the crisis by all key actors – especially outside the environmental sphere – thus unlocking the resources needed to dramatically improve wildlife law enforcement and coordination within and across multiple countries around the world.

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