



IUCN response to public consultation "EU approach against Wildlife Trafficking"

IUCN welcomes the opportunity to share its views on the EC Communication 'EU approach against Wildlife Trafficking'.

The IUCN Secretariat, through its regional offices, and the IUCN Species Survival Commission (SSC), through its different Specialist Groups, has provided their expert opinion on the questions posed. The SSC is a science-based network of more than 8,500 volunteer experts from almost every country of the world which is organised into different specialist groups, many of which represent species that are seriously threatened by the illegal wildlife trade.

This response was coordinated by the IUCN Global Species Programme and the IUCN EU Representative Office, with expert input from the wider IUCN Secretariat and SSC.

IUCN would like to make the following general remarks to the EU's Communication on the EU's approach against Wildlife Trafficking:

- IUCN emphasizes that support for field-based conservation initiatives in protected areas and other important conservation sites is a highly effective way to tackle the supply-side of wildlife trafficking, especially when linked to improved capacity for park rangers and use of appropriate technology/ tools. As an example, IUCN and its partners (notably the GEF, the World Bank and the French Government) joined forces to support a significant number of conservation organisations implementing on-the-ground projects that address illegal wildlife trafficking through the [Save Our Species \(SOS\)](#) Partnership. SOS funds priority anti-poaching efforts in key sites throughout the world in collaboration with local communities and local/ national authorities. SOS also was one of the major donors of the [SMART](#) Spatial Monitoring and Reporting Tool, contributing to its development and roll out. IUCN also joined forces with the German government to tackle the poaching of tigers.
- Rather than 're-inventing the wheel', there should be a focus on using existing instruments, tools legislation and documents for guidance such as the African Elephant Action Plan and other documents referred to both in the African Elephant Summit and the London Conference on Illegal Wildlife Trade.
- The document appears to focus on charismatic land mammals which currently have the world's attention. While this serves to highlight the issue of wildlife trade, it also means that many other species, which may be severely threatened by trade, are not given the attention that they require to prevent their decline and potential extinction. Although all of the taxonomic groups are in one way or another impacted by trade, IUCN suggests that the EU approach against wildlife trafficking include consideration of:
 - Birds: many of which are severely threatened by illegal trade;
 - Reptiles: a large number of species are highly sought after in the illegal pet trade market;
 - Marine mammals: in particular, cetaceans related to the live capture trade;
 - Other aquatic species: both freshwater and marine, e.g. fish, molluscs, corals;
 - Plants: illegal logging is a major contributor to biodiversity loss and a number of plants (e.g. cacti, orchids) are collected live from the wild.

- In general, there should be a more objective outline of wildlife trade: trade in several “less charismatic” species (e.g. pangolins) has also escalated significantly whilst the world focuses on a few, more charismatic, species.
- In broadening the scope of the issue, it is necessary to acknowledge that many species can be legally and sustainably collected, and that this type of use can not only support livelihoods but can also contribute to conservation and reduce wildlife trafficking.
- IUCN would like to draw attention to the fact that poverty may, in many circumstances, be one of the drivers of illegal trade. However, IUCN’s work has shown that usually just a small number of individuals from the communities around sites of wild capture are the beneficiaries of trade and not the communities as a whole. This suggests that illegal trade is not only driven by poverty but also by opportunistic individuals.
- From a law enforcement perspective, two issues are key:
 1. If a country enacts laws to protect a particular species or category of wildlife, or designates conservation zones or protected areas, and these laws are violated, any removal of wildlife in contravention of these laws becomes an illegal act in that country and no one in another country should profit from this.
 2. According to ‘Article 3: Principle’, the Convention on Biological Diversity (CBD): ‘States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction’. The import and sale of illegally obtained goods is arguably the most important link in the wildlife crime supply chain. This being the case, signatories to the CBD should take actions to enforce their obligations under the Convention.

IUCN’s responses to the specific questions listed in the Communication are answered below. Each point / number represents an individual response from the IUCN Secretariat, an IUCN regional office or an SSC member (the latter of which does not necessarily reflect the opinion of the corresponding SSC Specialist Group itself as a whole).

- 1. Is the policy and legislative framework currently in place in the EU against wildlife trafficking adequate?**

1. It is too fragmented.
2. The framework is not adequate and needs to be strengthened. Wildlife crime and environmental crime is too low on the current EU political agenda. Focus on implementation of existing policies and regulations. Also, engage in awareness-raising.
3. EU policy on illegal wildlife trafficking currently emphasises law enforcement and negative sanctions for non-compliance. It needs to recognise the importance of well-regulated legal markets in both law enforcement and biodiversity conservation across a range of species (floral, faunal and aquatic). The emphasis on regulation curtails opportunities that member States and their constituents can have on the sustained benefits from natural resources that do not require large investments of donor funds in projects or “offset” measures. Furthermore, such an approach is likely to involve transaction costs across the European Union that will in all likelihood be poorly implemented or understood by the requisite enforcement authorities.

The EU approach should therefore be based on the following:

- Improving existing enforcement and understanding of current regulations in line with international treaty instruments such as CITES.
- Maintain an open and pragmatic approach to the conservation of all floral and faunal resources that may include the use of legal trade mechanisms to improve and support conservation.
- Work closely with “range states”, producers and users to ensure the sustainability of wild resources.
- Where possible, encourage private sector, land owners and communities to engage actively in species conservation through both direct and indirect uses – that may include the legal trade of such species.

2. Should the EU enhance its approach to illegal wildlife trafficking by developing a new EU Action Plan, as called for by the European Parliament?

1. Yes, provided this is done with proper consultation with key range States for the main threatened species.
2. This would be an important tool as it would consolidate what is currently in place and develop plans for areas that still need to be addressed. It would also serve significantly as an awareness tool for both the enforcers as well as the traders.
3. If an applied EU system of bonuses and reprimands for member countries based on application or not of European legislation, it could be useful. An Action Plan that converts to action and is implemented would be important. Member countries that are notorious in wildlife trafficking should not go un-reprimanded. Countries that do well should take the lead. The EU ban on owning and exchanging natural seeds undermines initiatives of healthy / environmentally friendly / durable alternatives in favour of rapid economic development.
4. The EU already has the tools in place to efficiently fight wildlife trafficking. Reinforcing existing systems and correcting their shortcoming in the long term will be more effective than top down, unilateral action.
5. An EU action plan would be advantageous as long as it does not preclude legal species use as a conservation option. Better law enforcement and increased investment in tackling the criminal syndicates involved in illegal wildlife use is important. Approaches should not be heavy-handed law enforcement techniques that target the poor or communities living with wildlife and should involve close collaboration and dialogue with range states.

3. How could the EU increase political commitment at all levels against wildlife trafficking? What diplomatic tools would be best suited to ensure coherence between different international initiatives?

1. Effectively emphasizing the link between illegal wildlife crime and transnational organised crime and their relationship to other commodities that collectively lead to regional destabilisation, money laundering and breakdown in law & order is important. This requires an integrated trans-national approach, i.e. the EU cannot address it in isolation of the major source and demand states.
2. Political commitment at the highest level of the EU is needed. EU delegations in Africa should fight corruption and support and facilitate the development of wildlife crime strategies and

units. Most African countries have decent environmental regulations but corruption and poor governance can be rife. The EU can support host governments and local and international NGO partners in their efforts to stop poaching and eliminate wildlife trafficking.

3. The EU funds and implements many large programs on biodiversity conservation (e.g. BIOPAMA, Ecofac, PAPE etc.) as well as provides institutional support to countries (e.g. police, customs, development, health, food security). Using EC representatives as a real diplomatic lever to put questions to beneficiary states, entice decision-makers to take real political and operational steps (as opposed to using Commission representations as implementation and Monitoring and Evaluation units for projects) would be a great support.
4. The EU can have a very important funding and diplomatic role to play in addressing the issue of illegal wildlife trafficking. However, as most illegally trafficked species are non-European, the EU should adopt the role of convener and supporter of local solutions rather than the role of international enforcer. The EU is well-placed to bring “range States” and consumer markets together to find solutions rather than dictate solutions to both range and consumer markets. If the EU takes this approach it is likely to find that its influence in these diplomatic spheres will be opened up and the EU representatives will be in a far better position to negotiate with all parties. If the EU adopts a set of hard rules, it limits the negotiating options and, as such, any negotiating influence they may apply.

4. What tools at international level should the EU focus on to enhance enforcement against wildlife trafficking and strengthen governance?

1. Sharing of intelligence, its analysis and focus on breaking / disrupting transnational organised criminal networks is an important focus. This requires greater international cooperation with the EU and between the EU & source/ demand countries. Europol needs an environmental desk, ie a focal person/ unit.
2. Reporting for CITES needs to be improved upon. This includes the completion of all fields as outlined in the UNEP-WCMC database and, in particular, the origin in terms of captive or wild bred, etc. It is also imperative that all countries submit data in a timely way for effective monitoring and that cross referencing between exports and imports is ensured. Gaps in legislation should be assessed and relevant legislation and policies considered to ensure that these are closed sufficiently.
3. The EU should take action against governments that fail to effectively fulfil CITES commitments. The EU does not have a crime unit that responds to wildlife crime when it happens.
4. There is a need to support and strengthen international intelligence and policing activities related to wildlife trafficking - the EU should therefore invest in this. However, as stated above the EU needs to strengthen its role as a convening body between “range states” and markets. Enforcement and governance will require a close link and cooperation between multiple stakeholders and this will require careful implementation and understanding of a range of issues from different legal systems to cultural and economic conditions. Solutions to the problem will invariably be context-specific and should avoid blanket prescriptions.

5. **What tools are most suitable for EU action to address international and EU demand for illegal wildlife products? What role could civil society and the private sector play in this regard?**

1. The EU could convene a roundtable process to engage the private / commercial sector to minimize its facilitation of Illegal Wildlife Trade (IWT). Topics should include:
 - Awareness of existing EU regulations (CITES, timber, IUU fish, etc) regarding products sourced or sold in the EU.
 - Assisting international companies to implement corresponding global chain-of-custody processes throughout their operations (not just the EU-related parts).
 - Assisting international companies and partners to minimize the use of their facilities by IWT poachers and traffickers. This would cover such issues as use of logging roads by poachers, or using logging trucks to transport bushmeat, but also banks / financial institutions detecting IWT transactions and internet service providers minimizing the use of their networks for IWT.
2. **EU demand** - Enforcement of illegal activities with deterrent sentences is currently ineffective. Better policing of legal trade and also better control of legal hunting trophies through adequate permit and trophy monitoring is needed.
International demand - Sharing & analysis of actionable intelligence to break organised crime is important. Enhance international cooperation with regard to sharing such information. Establish the required international legal protocols asap as opposed to waiting. Consider the option of trying such criminals in an international criminal court. The EU can help fund research into markets and use of products from key species and use the results to work with key user countries to develop culturally appropriate demand-reduction campaigns. The EU needs to avoid being perceived as dictating to user countries and imposing western values which may be seen as cultural imperialism that is unlikely to be welcomed, and in turn may damage and or reduce the likely effectiveness of local support for demand reduction efforts.
3. Increased awareness and effective communication campaigns can be used more effectively. Both civil society and the private sector can both play a role in this. It should be noted though that coordinated efforts would be most effective and that communication specifics should lead from lessons-learned from other trade campaigns, e.g. rhino trade in Vietnam. CITES can also be a powerful tool, and authorities reviewing permit applications need to be more vigilant in terms of the specifics of imports, and origin and status of species involved.
4. The private sector, especially airlines and cargo shipping agencies, should undergo much stricter controls and sensitize their clientele. Airlines should be requested to add a line to their general security info (what is and what is not allowed on board) about illegal wildlife products. Airlines could also train their airline staff in recognizing suspect luggage and provide sanctions for negligence in controlling. Airports should be obliged to accommodate a wildlife crime unit /desk and a system that renders it easy for airline staff to get backup and immediate intervention at airports when suspect luggage or items are notified to avoid delays in take-off and unsatisfied customers. Introduce a financial bonus for airline staff in detecting raw and worked ivory, rhino horn and tiger products. Customs at European airports are too relaxed. "In 20 years working in Africa I have never been searched in a European airport, possibly because the planes often arrive before 6am". Hang posters in airports regarding wildlife crime. Provide financial support to local and international NGOs that aim to reduce wildlife crime.
5. Reinforce controls at borders. Support capacity building in transit countries and potential future transit countries. Be pro-active. Train and sensitize EC decision makers and unit managers. The EC has invested millions into biodiversity research - all EU countries produce massive amounts of scientific knowledge and action tools and products, but decision-makers are often

unaware of these.

6. Demand is not always bad. Sustainable and legal demand can be a beneficial tool for conservation and human livelihoods. As a result, blanket approaches for demand reduction to resolve often-complex conservation problems should be avoided. Civil society and the private sector should make the distinction between legal and illegal wildlife use clear. Certification by the EU and civil society of legal wildlife products could be used. The private sector could be encouraged to promote the sustainable nature of wildlife products and the link to conservation. Such an approach would have an impact in informing the general public and, as such, assist in combating the illegal wildlife trade. In this context, improved implementation of existing regulatory and permitting regulations (both domestic and international) that have been shown to be poorly enforced or understood by border control officers, should be strengthened.

6. How can the EU best add value to address the peace and security implications of wildlife trafficking?

1. Enhance the exploration of economic alternatives to the illegal trade in wildlife products where possible / relevant. This is looking for sustainable use options for local communities/ owners of wildlife resources in source countries. It is important to focus on this while addressing the demand reduction aspects of the demand side through active programmes. Help provide high-tech military, security and software tools and hardware to assist law enforcement (protection and intelligence) efforts.
2. Serious consideration and a far more detailed review should be given to all import applications arising from countries of conflict and their neighbours.
3. Since terrorism is very commonly financed by illegally traded ivory, rhino horn and other illegal products, the intelligence efforts to combat terrorism should include the combating of ivory, rhino horn trafficking, etc.
4. It has been demonstrated that top-down, heavy handed reactions can have adverse effects beyond the problems they are trying to solve. Some systems are in place in the EU regarding bushmeat and ivory but they are insufficient and need reinforcements rather than new tools.
5. Peace and security is a complex issue that is highly contextualised regarding illegal wildlife trafficking and conservation. Wildlife has often been an issue of security and has even in recent memory been an issue of conflict between European states that has taken on military dimensions – eg. The Cod War between the United Kingdom and Iceland in the 1970's. Today, we see a range of disparate rebel and extremist groups using the funds from illegal wildlife trade to augment other sources they use to fund their activities. In such cases, it is essential to ensure that local communities can and are the beneficiaries from wildlife use and trade. This would require that there is legal and sustainable production for wildlife products. However, this may be difficult to achieve where local governance and political institutions have collapsed. That should not mean that the sustainable use of natural resources should be abandoned as a tool for conservation even where political situations have deteriorated significantly. In Zimbabwe, CAMPFIRE programmes have maintained and fostered local livelihoods and conservation despite incredible political pressure to the contrary. The EU should actively support local, sustainable use approaches. In conflict situations, it is only the very local context that can hope to ensure the survival of any species. Beyond this, the closure of “terrorist” financial networks associated with wildlife and other trafficking is already the focus of intelligence and security networks.

7. How could the EU cooperation instruments better support the reinforcement of the capacities of developing countries for wildlife conservation and action against wildlife trafficking?

1. The EU should consider a capacity-building and staff exchange scheme for protected area personnel and wildlife / environmental protection (and crime suppression) authorities of developing countries. These could be a series of wide-ranging, once-off initiatives, but should also include a partnering and secondment program where staff from one park or agency regularly visit and mentor their counterparts.
2. Enhancing capacity to monitor, police, enforce and share information among countries is important to break involvement in organised crime. Endeavour to seek greater deterrent sentences for illegal wildlife trafficking – some African countries have much higher sentences than 4 years (e.g. 25 years) so need to make consistent. Be aware of extending Eurocentric philosophical approaches to wildlife conservation into source countries.
3. Training and capacity development of relevant authorities should be considered as a priority for Africa. Unfortunately, the high turnover of staff is an ongoing and serious problem in this regard. As a result, ongoing training is required to ensure that enforcers have the capacity and knowledge to deal with the issues that they address. Added to this is corruption at border points. This is a serious challenge that needs to be addressed.
4. Airports in Central Africa and other parts of the world are small. To avoid bribes and corruption leading to wildlife being trafficked, a special unit from Europe could work together with local customs at airports and ports. They could introduce expertise and automated tracking systems that are exchangeable between countries – resulting in capacity building
5. The EU approach to addressing capacity issues should involve the following:
 - Being less prescriptive and allowing the diplomatic process to follow a dialogue and solution-based approach than “carrot and stick” approaches.
 - Recognising that local conditions and species status varies across the globe, requiring informed decisions based on local and regional conditions rather than broad decisions.
 - Investing in the local level, training and academic institutions, while investing in administrative systems and local NGOs. An enormous amount of funding is placed in International NGOs without consideration of existing local organisations or capacities. Significant investment should also be in local and or regional networks.
 - Capacity building should be based on informed decision making. This knowledge is for the most part already in the countries concerned but lacks the financial support for wider dissemination. Capacity and understanding of the issues also need to be built within the EU where there is a lack of understanding. It would be useful for key technical personnel from the EU to be mentored by experts in range States and vice versa. This might involve the provision of scholarships to EU citizens to study at “southern” academic institutions in the fields of wildlife management, rural development and sustainable use. In addition, the EU could also fund exchanges between policy makers from the EU “range states” and “market states”.

8. What measures could be taken to improve data on wildlife crime in the EU so as to ensure that policy-making can be more effectively targeted?

1. Ideally, the EU should establish the following databases:
 - A database of all imports and exports of wildlife and biological resources [equivalent to the LEMIS database in the USA].
 - An integrated database of wildlife confiscations across the EU.

- A database keeping track of judicial cases from confiscation to conviction or acquittal.
 - Potentially an EU-wide, coordinated database of legally held, permitted specimens and items of protected species (i.e. anything that currently needs a possession permit, from pet tortoises to antique ivory figurines).
All these obviously with adequate protection of privacy etc.
2. Establish a dedicated wildlife crime desk, with access to all wildlife crime data, within the EU. If that's not acceptable, then create links to established national wildlife criminal databases to facilitate the sharing of data and analyse it for actionable policing.
 3. As above, airports in Central Africa and other parts of the world are small. To avoid bribes and corruption at airports, a special unit from Europe could work together with local customs at airports and ports. Expertise and automated tracking systems that are exchangeable between countries could be introduced.
 4. BIOPAMA has a similar strategy to improve database decision-making and access to quality data. In the long term, this is a viable approach.
 5. The same approach should be implemented in the EU as for the rest of the world - improved law enforcement, involvement of local communities and recognition that legal trade can be an important component of any conservation strategy.

9. What measures could be taken to strengthen enforcement against wildlife trafficking by environmental authorities, police, customs and prosecution services in the Member States and to reinforce cooperation between those authorities? How could awareness of the judiciary be raised?

1. The EU needs to address wildlife trafficking through the internet, particularly buy/ sell and auction sites, which can be significant conduits of illegal trade in wildlife and other items.
2. Awareness is essential. Illustrating links to other 'serious' criminal offences (e.g. such as drug crimes) and the role of transnational organised crime is important. Providing relevant courses and material on the diversity of issues, with key persons/ groups for connections would be useful.
3. Capacity building for customs staff is important. Introduction of specialised crime units, with sniffer dogs, newly automated tracking systems of crime, proper judicial follow-up of criminals etc. should be a priority. Focus on combating corruption at airports and ports.
4. Train customs officials regarding bushmeat* coming from Africa in European airports.
<http://www.sciencedaily.com/releases/2010/06/100617210641.htm>
<http://www.bbc.co.uk/news/10341174>
Action relating to transit routes should be a part of any plan.
5. Improved policy and enforcement harmonisation along with increased consultation with all principal stakeholders is important. There should also be an added focus on the transit of wildlife and wildlife products through the EU. This may address the concern that the EU is an easy route for criminal networks to move wildlife products from one region to another.

* Note that some "bushmeat" is legal and sustainably harvested



10. How could existing tools against organised crime at EU and Member States level be better used to address wildlife trafficking? What additional measures should be envisaged, e.g. regarding sanctions? What contribution could Europol and Eurojust make in that regard?

1. Use focused sanctions on non-compliant states but also on financial institutions channelling funds of organised criminal networks. Expand RhoDIS compatible forensic rhino horn DNA analyses and provide profiles to a continental database.
2. Increase the importance of combating wildlife crime by EUROPOL and Eurojust. Impose stricter legal frameworks for collaborating countries that have weak legislation to combat wildlife crime.
3. If illegal wildlife trade is placed on the same level as combating drugs and human trafficking, then wildlife trafficking should be part of the same process. The changes in approaches and methodologies would be determined by enforcement agencies. Creating specialised units is not necessarily the solution. Making illegal wildlife a part of the mandate of existing enforcement officers' agencies with the appropriate "in house training" would be more effective.

For more information please contact:

Anouska Plasmeijer
EU Relations Officer
European Union Representative Office
64 Boulevard Louis Schmidt, 1040 Brussels, Belgium
Tel: +32 2 739 3002
luc.bas@iucn.org

Dena Cator
Programme Officer - SSC Network Support
Global Species Programme
IUCN (International Union for Conservation of Nature)
28 rue Mauverney, CH-1196 Gland, Switzerland
tel: +41 22 999 0148
dena.cator@iucn.org