Combating wildlife crime

European Parliament resolution of 15 January 2014 on wildlife crime (2013/2747(RSP))

The European Parliament,

– having regard to the resolution of April 2013 of the UN Commission on Crime, Prevention and Criminal Justice, endorsed by the UN Economic and Social Council in July 2013, encouraging UN member states to ‘make illicit trafficking in wild fauna and flora a serious crime when organised criminal groups are involved’, thereby placing it on the same level as human trafficking and drug trafficking,

– having regard to the investigation carried out by Interpol and IFAW (International Fund for Animal Welfare) into the online ivory trade within the EU, which noted that enforcement of online wildlife crime is in its infancy and called for the introduction of specific e-commerce legislation regulating wildlife trade in the EU,

– having regard to its resolution of 6 February 2013 on the EU strategic objectives for the 16th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to be held in Bangkok (Thailand) from 3 to 14 March 2013¹,

– having regard to the outcome of the above Conference of the Parties (CoP 16) meeting, at which the parties agreed on a number of concrete actions against poaching and wildlife trafficking, including Decisions 16.39-16.40 and Decisions 16.78-16.83,


– having regard to Recommendation No 155 (2011) of the Standing Committee of the Bern Convention on the illegal killing, trapping and trade of wild birds, adopted on 2 December 2011, and to the Commission’s subsequent Roadmap towards eliminating illegal killing, trapping and trade of birds (12/2012),

– having regard to the recent initiatives taken by the US, the Philippines and Gabon to destroy their stockpiles of illegal ivory, in order to create public awareness regarding the increased demand for ivory and the increased levels of illegal trade and poaching, with the aim of cracking down on wildlife trafficking,

– having regard to the joint statement of 26 September 2013 by 11 African elephant range state leaders, as part of the Clinton Global Initiative commitment to action for the Partnership to Save Africa’s Elephants, urging other countries to ‘declare or restate national

¹ Texts adopted, P7_TA(2013)0047.
moratoria on all commercial imports, exports and domestic sales and purchases of tusks and ivory products until wild elephant populations are no longer threatened by poaching’,

– having regard to its resolution of 23 October 2013 on ‘organised crime, corruption and money laundering: recommendation on action and initiatives to be taken (final report)’\(^1\), and in particular paragraph 127 thereof, and to its resolution of 11 June 2013 on ‘organised crime, corruption and money laundering: recommendations on action and initiatives to be taken (interim report)’\(^2\),

– having regard to the outcome of the workshop on international wildlife crime held by its Committee on the Environment, Public Health and Food Safety on 27 February 2013 in Brussels,

– having regard to the question to the Commission of 29 October 2013 on wildlife crime (O-000123/2013 – B7-0529/2013),

– having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

A. whereas wildlife crime, including poaching and illegal harvesting, the transit of illegal wildlife products and derivatives, and the illegal sale and use of those products in consumer countries is now a serious transnationally organised criminal business with an annual turnover of at least USD 19 billion, and is now the fourth largest illegal activity in the world, after drug trafficking, counterfeiting and human trafficking;

B. whereas illicit wildlife trafficking often involves transnational organised criminal networks and is used as a source of revenue for such networks and for militant rebel groups;

C. whereas wildlife crime constitutes a threat to the welfare of the individual animals and to the conservation of the animal and plant species concerned, and puts the local ecosystems as a whole at risk;

D. whereas wildlife crime has become a serious threat to the security, political stability, economy, local livelihood, natural resources and cultural heritage of many countries; whereas the extent of the response required to effectively address these threats is often beyond the sole remit of environmental or wildlife law enforcement agencies, or of one country or region alone;

E. whereas illicit wildlife trafficking is not only a major threat to security, the rule of law and the development of the local communities where wildlife resources are depleted, but also to the peace and security of the nations and regions where those communities are located, as well as to global sustainable development;

F. whereas tackling wildlife crime requires a coordinated global response at the highest political level and between enforcement agencies at international and national level, as well as the effective use of tools to strengthen law enforcement and criminal justice systems;

G. whereas as long as demand for wildlife products remains high and enforcement effort is low, legal trade will continue to serve as a front for the illegal trade and will drive poaching;

\(^1\) Texts adopted, P7_TA(2013)0444.
\(^2\) Texts adopted, P7_TA(2013)0245.
1. Stresses that the EU is both a significant market and a transit route for illegal wildlife trade; draws attention to the fact that Europol estimates that revenues generated by the trafficking of endangered species amount to between EUR 18 billion and EUR 26 billion per annum, with the EU being the foremost destination market in the world;

2. Emphasises that the aim of CITES is to ensure that international trade in wild animals and plants is not a threat to the survival of species in the wild;

3. Is alarmed that the illegal trade in wildlife products on the internet alone was estimated by the Global Financial Integrity Report ‘Transnational Crime in the Developing World’ in February 2011 as being worth USD 10 billion per annum;

4. Expresses its concern at the increasing links between persons and money connected with wildlife trade and other forms of organised criminal activity, including drugs and arms trafficking, corruption and fraud, as well as militancy and terrorism;

5. Is concerned that organised crime groups, especially those with smuggling capabilities, find wildlife trafficking attractive because of the lack of law enforcement capacity and implementation, and because of high profits and weak penalties;

6. Stresses that if the EU and its Member States wish to play a genuine leading role in the protection of endangered species, it is necessary not only to ensure, as a matter of urgency, the active and ambitious promotion of international negotiations, but also to create the most appropriate legal framework and the conditions of implementation that will ensure that all loopholes contributing to this illicit trade end at the Union’s borders;

7. Draws attention to the fact that wildlife crime can be a serious threat to the rule of law and to sustainable development;

8. Is aware that poaching of various species of wild fauna happens on EU territory too, and that killing, taking, capturing and trading in rare species which are specially protected – and even endangered species as listed in Annex IV to Directive 92/43/EEC (Habitats Directive) and Annex I to Directive 2009/147/EC (Birds Directive) – are still taking place;

**Action within the EU**

9. Urges the Commission to establish without delay an EU plan of action against wildlife crime and trafficking, including clear deliverables and timelines;

10. Stresses that the EU is a major transit destination for illegal wildlife products such as ivory and live animals, as highlighted in a recent report by TRAFFIC\(^1\), and is therefore in a privileged position to control this trade;

11. Calls on the Member States to introduce moratoria on all commercial imports, exports and domestic sales and purchases of tusks and raw and worked ivory products until wild elephant populations are no longer threatened by poaching;

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\(^1\) http://ec.europa.eu./environment/cites/pdf/Overview%20significant%20seizures.pdf
12. Calls on the Member States to join other CITES Parties in sending out a clear signal against wildlife trafficking and demand for illegal wildlife products by destroying their stockpiles of illegal ivory;

13. Calls on the Member States to implement fully Commission Recommendation 2007/425/EC identifying a set of actions for the enforcement of Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein; recommends that Member States provide for immediate confiscation of any seized specimens, in order to better implement CITES and protect the welfare of live animals;

14. Calls on the Commission to engage the CITES Standing Committee regarding Decision 16.47 from CoP 16 on provisions to streamline the disposal of illegally traded and confiscated specimens in order to ensure coordinated approaches to information exchange and rapid rehoming of confiscated live animals;

15. Encourages the Member States to strengthen the judiciary in the EU by means of enhanced awareness, capacity and resources, in order to ensure that prosecutions for illicit wildlife trafficking are conducted effectively and to the full extent of the law, and that wildlife criminals receive penalties which are commensurate with the seriousness of the crime; urges the Commission, therefore, to streamline harmonisation between Member States under Commission Recommendation No 2007/425/EC in order to avoid Member States with the lowest penalties being exploited as a preferred entry point;

16. Calls on the Commission to monitor and supervise thoroughly the implementation of Directive 2008/99/EC on the protection of the environment through criminal law, given that even now, in some Member States, provision has not yet been made for effective criminal penalties, which are also required under the directive for those who kill, destroy, possess or take specimens of protected wild fauna or flora species;

17. Calls, on the grounds of concerns similar to those expressed in the UN resolution of May 2013, which includes forest crimes, for a review of existing EU instruments concerning illegal timber trading and other forest-related acts, in order to determine whether they are sufficiently adequate and effective to be able to deal with the high levels of illegal trading figures currently being recorded in the Union;

18. Draws attention to the fact that currently, within the EU, there are still huge differences between Member States as regards the system of penalties against those who trade, take, capture or possess specimens of protected wildlife; points out that this diversity of treatment between Member States as regards penalties often has an adverse impact on the effectiveness of monitoring systems and the efficiency of those responsible for monitoring in each Member State;

19. Calls for appropriate sanctions for breaches of Regulation (EC) No 338/97, in order to deter wildlife crime, and also for account to be taken of the market value and conservation value of the species involved in the offence, as well as the costs incurred; calls for the development of a system which provides for the regular updating and adjustment of the amounts of the penalties;

20. Underlines the fact that Directive 2008/99/EC on the protection of the environment through criminal law harmonises the definitions for wildlife crime related offences throughout the Union; points out, furthermore, that the directive requires the Member States to put in place
effective, proportionate and dissuasive criminal sanctions, and therefore urges them to set appropriate levels of sanctions for wildlife crime offences without delay;

21. Calls on the Commission and the Council to support dedicated training for the complete enforcement chain under the relevant existing financial instruments;

22. Calls on the Member States to use all relevant European and domestic instruments for fighting organised crime, corruption and money laundering and ensuring asset forfeiture when combating wildlife crime;

23. Calls on all Member States to comply with the resolution of April 2013 of the UN Commission on Crime, Prevention and Criminal Justice by updating their legislation to ensure that illicit trafficking of wild fauna and flora with the involvement of organised criminal groups is defined as a criminal offence punishable by up to four years of prison or more, so that the UN Convention on Transnational Organised Crime can be used as a basis for international cooperation and mutual legal assistance;

24. Calls for the EU and the Member States to fully implement the recommendations laid down in ‘Project WEB’, an Interpol/IFAW investigation into the online ivory trade within the EU;

25. Is aware that unsustainable and unethical trophy hunting has caused large-scale declines in CITES Appendix I and II-listed endangered species, and urges the Member States to support a possible revision of the EU’s legal provisions governing the import of hunting trophies into Member States and to require permits for the import of trophies of all species listed in Annex B to the relevant text;

26. Notes the documented problems of wild-caught animals being laundered through the use of less restrictive captive breeding provisions; calls on the Commission to support Decisions 16.63-16.66 from CoP°16 on captive bred and ranched specimens, and to provide funding support for a study evaluating concerns over species claimed to be captive-bred and for the development of guidance for inspecting facilities;

27. Calls for the establishment of a specialised Wildlife Crime Unit within Europol, which would have full transnational powers and responsibilities as well as sufficient and skilled human resources and adequate funding, with a view to centralising information and analysis and coordinating investigations, the result being more joint investigations and a more coordinated strategic approach; calls for the connection between local inspection bodies in the Member States and international inspection bodies to be optimised and enhanced, in order to improve the exchange of information and thus increase the effectiveness and efficiency of the local inspectors’ work;

28. Calls on the Member States, to this end, to establish the National Environmental Security Task Force (NESTs) recommended by Interpol, and to engage in coordinated operations through the proposed specialised Wildlife Crime Unit within Europol;

29. Calls on the Commission to ensure that the resources dedicated to CITES within its services are sufficient to allow the EU to play a leadership role, in the light of the entry into force of the Gaborone Amendment to CITES;

30. Calls on the Commission and the Council to leverage their trade and development instruments to establish dedicated programmes to strengthen the implementation of CITES
and provide resources for capacity-building against poaching and trafficking, in particular by supporting, strengthening and expanding enforcement initiatives such as ASEAN-WEN (ASEAN Wildlife Enforcement Network), HA-WEN (Horn of Africa Wildlife Enforcement Network), LATF (Lusaka Agreement Task Force) and PAPECALF (Plan d’Action sous-régional des pays de l’espace COMIFAC pour le renforcement de l’application des législations nationales sur la faune sauvage 2012 – 2017), which aim to establish regional centres of expertise and provide models for cooperation against wildlife crime;

31. Encourages the EU and its Member States to work proactively in order to make European citizens aware of the fact that wildlife crime is not an issue only concerning other continents but is, rather, an urgent issue concerning our planet and our ecosystem having a political, economic and social impact on communities around the world;

International action

32. Urges the Commission and Council to include the fight against wildlife crime as a priority in the programming of the financial instruments for development aid, in both thematic and regional programming;

33. Welcomes the fact that wildlife crime has been ‘upgraded’ to the same level of serious international organised crime as human trafficking and drugs trafficking following the UNCCPCJ Resolution of 26 April 2013, and calls on the Commission and the Member States to leverage trade and development policy in order to ensure that the international agreement is fully implemented; notes that among the EU’s priorities for the 68th Session of the UN General Assembly as adopted in Council in June 2013, there remains the idea of increasing efforts against wildlife crime and illegal logging and promoting improved governance;

34. Calls on the Commission and the Member States to do their utmost, at CITES and in bilateral dialogue with consumer countries, to ensure the closure of parallel legal markets, international and domestic, that are stimulating demand for species at significant risk such as elephants, rhinos and tigers;

35. Points out that there are mechanisms available under CITES for non-compliant Parties; urges the Commission and the Member States, therefore, to use these to their full extent if warranted;

36. Calls on the Commission and the Member States to establish a Trust Fund or similar facility under Article 187 of the revised financial regulation applicable to the general budget of the Union, with the objective of safeguarding protected areas and combating wildlife trafficking and poaching, as part of an Action Plan against wildlife trafficking;

37. Calls for the EU and its Member States to strongly support the International Consortium on combating Wildlife Crime (ICCWC), comprising CITES, Interpol, UNODC (United Nations Office on Drugs and Crime), the World Bank and the World Customs Organisation, including through provision of financial resources and specialist expertise, in order to facilitate capacity-building by governments and the exchange of information and intelligence, and support enforcement and compliance by ICCWC members;

38. Welcomes the fact that at the last G-8 summit (held at Lough Erne in Northern Ireland in June 2013) it was decided to take action to tackle the illegal trafficking of protected or
endangered wildlife species and to offer political and practical support to those regional and international organisations which are leading efforts to enhance the ability of countries to monitor and control their borders and tackle facilitating factors such as corruption, transnational organised crime and illicit trafficking which undermine governance and the rule of law and in some cases provide an important source of funding for terrorists;

39. Calls on the Commission, through its work with African and Asian range states, to help those countries strengthen their policies and legal frameworks, increase law enforcement capacity, develop effective judicial systems and reinforce mechanisms to tackle corruption, in order to better combat wildlife crime at local, national and regional levels, including by supporting and financing the application of initiatives such as the ICCWC toolkit;

40. Calls on the Commission and the Member States to strengthen policies and legal frameworks, increase law enforcement capacity, address intelligence technology needs, and develop effective judicial systems in order to better combat wildlife crime at local, national and regional level, inter alia by supporting the implementation of initiatives such as the ICCWC toolkit and the training of specialised wildlife crime prosecutors;

41. Calls on the Commission to develop and implement regional wildlife enforcement strategies and networks that are interconnected through a global coordinating mechanism, inter alia by supporting Interpol’s Environmental Crime Programme and the establishment of NESTs and their integration with regional enforcement bodies such as the Lusaka Agreement Task Force, HA-WEN, SAWEN (South Africa Wildlife Enforcement Network) and ASEAN-WEN;

42. Notes the high and increasing demand for illegal wildlife products from China and south-east Asia, and emphasises the need to put this issue on the agenda of the EU-Asia dialogue, at the highest political level; in this connection supports, as a significant step, the agreement signed in July 2013 by Commissioner Potocnik and the Chinese State Forestry Administration Vice Minister, Zhang Jianlong, on common efforts to combat wildlife trafficking, and wishes to see its full implementation;

43. Urges the Commission and the Member States to explore the issues with the African Union, NEPAD (New Partnership for Africa’s Development), AMCEN (African Ministerial Conference on the Environment), and the African Union Commission, in the framework of the forthcoming Africa EU Summit 2014, in order to identify areas of collaborative action on this global challenge for the future Joint Africa-EU Strategy 2014-2020;

44. Encourages the Commission to incorporate the issue of wildlife trafficking into transatlantic cooperation, with a view to developing a common approach ensuring effective legal regimes that prevent illegally traded products from entering the European and American markets and improving channels of communication for sharing information on wildlife management and trade regulations;

45. Encourages the Commission and the Member States to support efforts in key countries to work across ministries in order to design and implement well-researched demand reduction campaigns and ensure adequate long-term investment for the implementation of these strategies;

46. Calls on the Commission to support the development of alternative livelihoods for local communities closest to the wildlife concerned that demonstrably contribute to the recovery
and conservation of wildlife populations and engage the communities in anti-poaching operations;

47. Calls on the Commission and the Member States to adopt and implement clear and effective laws and policies that dissuade consumption of products derived from vulnerable wildlife species, to educate consumers on the impact of their consumption of wildlife species, and to provide adequate information on the consequences and dangers inherent in the uncontrolled spread of certain alien species through native ecosystems;

48. Instructs its President to forward this resolution to the Council, the Commission, the CITES secretariat, Interpol, Europol, UNODC, the World Bank and the World Customs Organisation.