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Item 2

Wildlife and forest crime

Report of the Secretary-General

Summary

The illegal trafficking in wild fauna and flora represents and unparalleled damage to the economic, social, and environmental developments of the regions involved. Yet, the illegal poaching, harvesting, transit, purchase, consumption of wildlife, as well as illegal logging, remain as one of the most profiting illicit markets in the world.

The United Nations recognizes the urgency of wildlife and forest crime and its potential to increase counterfeiting, poverty, violence, corruption and economic degradation. As an effort to address this transnational concern, the UNODC developed the 'Global Programme for Combating Wildlife and Forest Crime' in 2014. The Global Programme serves as a framework to deliver technical assistance in order to combat wildlife and forest crime at a large scale. The Global Programme works with legal systems and law enforcement agencies to build strong policies, as well as to raise awareness in global and regional levels. However, in order to stop organized criminal syndicates, stricter measurements and a more active cooperation is required to prevent irreparable damage to the wildlife and to stop illicit trafficking.
I. Introduction

1. According to de United Nations Office on Drugs and Crime (UNODC), “Wildlife and forest crime refers to the taking, trading (supplying, selling or trafficking), importing, exporting, processing, possessing, obtaining and consuming of wild fauna and flora, including animals, birds, fish, timber and other forest products, in contravention of national or international law. Broadly speaking, wildlife and forest crime is the illegal exploitation of the world's wild fauna and flora.”

2. The World Charter for Nature was first adopted by the United Nations on 28 October 1982. The charter intended to provide a blueprint of five basic principles for the protection and preservation of flora and fauna. The five basic principles can be summarized as follows: (1) respect for nature, (2) The population levels of all life forms must be sufficient for their survival, (3) All areas on earth should be subjects of these principles of conservation, (4) All resources utilized by man should be managed to achieve sustainable productivity and avoid exploitation, (5) Nature should be protected against degradation caused by warfare or other hostile activities.

3. The United Nations General Assembly (UNGA) declared the 3rd of March as World Wildlife Day in 2013. This date was purposely chosen to coincide with the adoption of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). World Wildlife Day seeks to raise awareness at a global level about the exploitation and threats of flora and fauna as well as to celebrate and recognize its beauty. The UNGA has aided CITES to facilitate the implementation of this day by cooperating with relevant UN organizations. Since the adoption of CITES, there has been a global response to wildlife crime improved by the increasing number of international summits and high-level conferences on the topic and the support of the UN system. “With 183 Member States, CITES remains one of the world's most powerful tools for biodiversity conservation through the regulation of trade in wild fauna and flora.”

4. The UNODC is focused on providing technical assistance to new countries including West and Central Africa, to help prevent, identify, investigate, prosecute and adjudicate wildlife and forest crime, and to tackle corruption and related money laundering. The African region is currently the focus of UNODC because of the current endangered state of wildlife due to its large-scale poaching and illegal logging.

5. In an effort to address wildlife and forest crime, UNODC launched in 2014, its 'Global Programme for Combating Wildlife and Forest Crime'. The Global Programme works closely with UNODC Country and Regional Offices to ensure the success of its projects. It also provides a wide variety of technical assistance to prevent wildlife and forest crime on a local, regional or international level as well as to raise awareness of the reduction of protected flora and fauna. Additionally, the

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Global Programme works in conjunction with law enforcement and the legislative system to “deliver a range of evidence-based good practice technical assistance measures to support national law enforcement, customs, border control and criminal justice agencies, as well as wildlife enforcement networks, in their efforts to respond to wildlife and forest crime.” The UNODC also created the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Toolkit, a technical resource to assist and create a comprehensive guideline for Member states to take preventive measures to prevent criminal justices related to wildlife and forest crime. An additional purpose of the Toolkit is to provide an understanding of the different factors that represent the wildlife and forest crime and other related offences. The Toolkit has four key elements, which assist users in the following ways: (1) Identifying current patterns of wildlife and forest offences, including their drivers and actors, (2) Analyzing the criminal justice response, including the legislative, enforcement, prosecutorial and judicial systems in use, (3) Understanding the different links and actors in the wildlife and forest offenses chain, (4) Implementing measures to address and prevent wildlife offenses from being committed by offering alternative incentives.

6. During the General Assembly discussion on World Wildlife Day 2017, the urge to protect and preserve our natural heritage was described as a generational responsibility. Education was marked as a priority and deemed as crucial in the efforts to stop wildlife and forest crime.

7. The UN recognizes that once an emerging threat, wildlife and forest crime has become today one of the largest transnational criminal activities. These illegal businesses are profiting and exploiting from the gaps in national law enforcement and criminal justice systems. Governments often lack the capacity to regulate the exploitation of their natural assets, promoting violence and corruption. Wildlife and forest crime threatens biodiversity and endangered species, the livelihood of people, and severely impacts national security, social and economic development.

8. In July 2015, the General Assembly adopted a resolution on “Tackling Illicit Trafficking in Wildlife”, which intended to ignite collective action. This more sophisticated approach to illegal trade and wildlife made an emphasis to demand an international answer to the implementation and restrictions of wildlife trade. Furthermore, at the Geneva convention of 2019, the UN adopted its fourth resolution on tackling illicit trafficking in wildlife, which now reinforced key areas against illegal trafficking, urging member states to strengthen necessary legislation for the prevention, investigation and prosecution of illegal trade, as well as to encourage the active involvement from law enforcement. CITES Secretary-General Ivonne Higuero said: “The new UN General Assembly Resolution reinforces the heightened level of

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political commitment to tackle the devastating impacts of illegal trade in wildlife. The world’s governments at CITES COP18 recognized the challenges posed by this illegal trade and adopted crucial resolutions and decisions to address them. By also adopting the CITES Strategic Vision Post-2020, CITES Parties have confirmed their collective view that CITES must be a leader in promoting transformative change in wildlife conservation and management and in combating wildlife trafficking.”

9. In 2015, the General Assembly mapped 17 Sustainable Development Goals (SDG), all of which are intertwined. To help with these sustainable goals, the Division for Sustainable Development Goals (DSDG) in the United Nations Department of Economic and Social Affairs (UNDESA) provides substantive support and capacity-building for the SDGs and their related thematic issues, including water, energy, climate, oceans, urbanization, transport, science and technology, the Global Sustainable Development Report (GSDR), partnerships and Small Island Developing States.\(^7\) The SDGs set up as a priority the preservation of the environment and natural capital and therefore the protection of the wildlife. The United Nations Development Programme (UNDP) provides support for nations so they can share the advantages of sustainable wildlife management with local populations and develop or reinforce the protection of threatened flora and fauna. Furthermore, the UNDP aims to create a dialogue between member states, international organizations and agencies.

10. In 2016 the United Nations Office for Drugs and Crime, as a part of the Global Programme Combating Wildlife and Forest Crime, launched the World Wildlife Crime report which aims to quantify and categorize the immense market of wildlife and its products. Wildlife and forest crime today, along with drug trafficking, arms and human trafficking, has become one of the largest illicit trafficking activities as it raises a profit estimated between $10 and $23 billion annually and is the fourth most profitable illegitimate trade globally.\(^8\) The report thoroughly inspects the seven large industrial sectors that make use of wild sourced inputs as well as the modus operandi of organized crime. The seven most affected sectors are: (1) Seafood, (2) Pets, zoos, and breeding, (3) medicine, and tonics, (4) Art, décor, and jewellery, (5) Cosmetics and perfume, (6) Fashion, and (7) Furniture.\(^9\)

11. The UNDP - Global Environment Finance (GEF) unit partners with environmental vertical funds to support countries with simultaneous eradication of poverty and significant reduction of inequalities and exclusion, by catalyzing environmental finance for sustainable development.\(^10\) Working within the UN, it provides funding to

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\(^7\) Convention on International Trade in Endangered Species, CITES welcomes new UN Resolution, Available at: https://www.cites.org/eng/news/CITES_welcomes_new_UN_General_Assembly_resolution_on_tackling_illicit_trafficking_in_wildlife_20092019

\(^8\) Sustainable Development Goals UN, Sustainable Development Goals, Available at: https://sustainabledevelopment.un.org/sdgs


129 countries, out of which 13 belong to the Global Wildlife Program. This partnership was created in conjunction with the World Bank to reduce the demand for illegal wildlife products and promote conservation.

II. Challenges

12. Illicit wildlife trafficking is fueled by several industrial sectors, such as furniture, medicine, food, and fashion, each of which make up an elemental part of every-day use within society. This is a large challenge due to the demand it creates and the impact it has on the economy of each country.

13. Environmental crime and the organizations behind it are difficult to control as many people are involuntary recruited as a result of severe poverty and lack of other means of economic survival. In addition, the diversification of organized crime into these sectors presents itself as a low-risk activity. Due to the profitability of these crimes, it has proven to accelerate corruption and undermines legal business models ultimately deflating prices. This presents a pressing challenge since organized crime, including environmental crime, diversifies and it is dynamic, adapting to law enforcement tactics and techniques around the globe to ensure its survival.

14. Environmental crime is in some instances a large source of economic funding of non-state armed groups. The UN Security Council has worked in different resolutions such as Resolution 2195 presented in 2014, to call for an increased support from member states to enhance the information and control over the nexus of organized crime. The UN determined that groups such as the Lord’s Resistance Army and Janjaweed had involvement in the killings of elephants for ivory. Similarly to drugs, natural resources have become yet another source to fund groups like the Taliban, Al Qaeda and the Islamic State. Organized crime has also influenced domestic politics, as they exploit the poverty of the nation and use it to take control over the land and recruit people. The influence of organized crime in the judiciary systems and law enforcement agencies can create an entanglement of local and national governments, whether consciously or otherwise, in the illicit trafficking. This means that prosecution is often unsuccessful. This also undermines the trust in the government and questions its legitimacy, which can lead to citizens seeking economic and personal security from non-state armed terrorist groups, furthering their influence and involvement with wildlife and forest crimes.

15. Poverty is one of the main challenges for wildlife and forest crime, as poor people are often targets of recruitment to fulfill these crimes because of their urgency to satisfy basic needs. The UN deems poverty as a cause of poaching is associated with losses of hunting rights, dispossession of land in favor of protected areas, and lack of employment and education opportunities. The challenge lies in how the local support for conservation does not necessarily follow community programs. The positive impacts of these efforts are often overshadowed by the increased land scarcity,
income inequality and increase wildlife and logging cropping. The lack of minimal coordination, enforcement and prosecution remain high.

16. As long as there is a large demand of products coming from wildlife, timber, pulp, cheap illegal chemicals and unregistered gold and minerals, recruitment and illegal trade will continue. For example, the price of ivory has been driven up by demand in China from USD 750/kg in 2010 to USD 2,100/kg in 2014, albeit dropping by 50% from 2014 to 2015. At the same time ivory costs only about USD 150/kg in domestic markets in Africa, leading to enormous profits, even with the recent price drop. These prices also make it very attractive to invest in ivory, and stockpile it for future sales, when scarcity is higher. The strong culture of consumption has historically been a key driver for demand, especially with products like ivory of the rhino horn used for decorative and traditional medicinal purposes in Asian markets. A recent study showed that three quarters of urban Chinese who had consumed illegal tiger products preferred wild over farmed products, and 88% knew that it was illegal to buy or sell tiger products. This high demand often comes from areas where there is a lack of proper education and biodiversity awareness. This lack of education combined with strong cultural traditions perpetuate the belief of the supernatural effects of certain goods.  

17. Since the improvement of global transport and economic growth, there has also been an increase in wildlife trade. The absence of trade regulations has made it easier for organized crime groups to greatly profit. Advanced laundering has become more and more evident; with crimes such as rosewood smuggling, illegal logging or laundering of tropical timber through paper mills and fraud palm oil plantations becoming frequent in some regions of the world. Unfortunately, some countries have as much as 90% of their forests leased as logging concessions. The absence of trade regulations allows these countries to fall into the pressure of their economic necessities and the profit that these activities create. Companies lack the commitment to thoroughly source their products in a way that they ensure that they meet the standards as set by the WWF. Germany conducted a follow-up fibre-laboratory investigation of paper to verify possible presence of tropical wood in a total of 144 different paper products. Tropical timber was found in almost 20 percent, despite most of the companies having ruled out this possibility.  

18. Assessing an accurate description of wildlife crime is difficult because of the vast diversity of flora and fauna in every country. Furthermore, every country takes on different measures to protect its wildlife. Currently, there are international organizations with definitions of other forms of organized crime, however, there are no equivalent agreement defining wildlife crime. The lack of a universally accepted definition creates uncertainty regarding the application of regulations and agreements.

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CITES provides a framework for the protection and regulation of international trade for some species but it does not define wildlife crime.

19. The lack of notoriety in some crimes is a difficult challenge as well. Direct illegal logging is not always obvious, as shows a system of fraud, tax fraud, forged permits or permits acquired through bribes, laundering of illegally procured wood and extensive smuggling operations involving even small fleets of timber vessels are operating in Southeast Asia from logging sites to pulp and paper mills abroad.

20. The World Wildlife Seizure (WISE) database reports on organized-crime patterns and criminal activities. Similarly to the purchases involved in the industries of firearms and pharmaceuticals, the legality of wildlife acquisition is demonstrated with paperwork. Much of the trafficking proceeds to operate with paperwork provided through fraud and corruption. Organized crime exploits the use of these fraudulent documents to introduce illegally acquired wildlife-derived goods into regular commercial channels and retail outlets. Because of this, it is often difficult for consumers to know when a product is coming from a source of contraband. Transnational trade has grown at an incredibly high-rate, making it difficult to track and regulate the supply chain at a global scale. Moreover, research has revealed a great increase in the scale of these environmental crimes. In recent years, individuals have been convicted for illegal logging and laundering of hundreds of millions of USD in individual cases.14

III. Future Priorities

21. The UNGA 2019 Geneva Convention stressed the urgent need to address the unprecedented decline in biodiversity that has been observed in recent years. The UN in partnership with member states declared that they are prepared to tackle legislative responses and customs efforts in conflict zones addressing both security and preventing armed groups from benefiting from exploitation of natural resources, to allow “prevention, community engagement, poverty alleviation and restoration of wildlife and ecosystems, to securing revenues and incomes from sustainable management of natural resources. This also means that efforts must entail targeted intelligence and information gathering on the smuggling routes, actors and causes in order to design the best response. This requires full engagement both in the enforcement and judicial chain, but also on prevention, alternative livelihoods support and restoration.”15 This is to increase the chances of seizing criminal operations and to prosecute the criminals involved. Consequently this will also improve sustainable business opportunities. It is essential that there is information available to decision makers for designing the most efficient responses to wildlife and forest crimes. International communities must be held accountable for addressing wider threats to


environmental crimes, and ensuring that methods that trace legality are not lost in the midst of international trade.

22. It is a notable concern that there is a growing number of illicit markets that are constantly emerging and pushing species into endangered categories. Therefore in order to address the increasing scale of poaching and illegal trade in wildlife products and their adverse socioeconomic impacts, the General Assembly welcomed the new initiatives adopted by CITES Strategic Vision 2021-2030. The Strategic Vision included measures to penalize trade in, or possession of, illegally traded specimens, or both. In addition, the Resolution calls for Member States to find a more active involvement in the investigation of financial crimes linked to wildlife trafficking and to increase the use of financial investigation techniques and a collective collaboration to find and bring criminals and their networks to face the legal system. The resolution continues to recognize the work of ICCWC, the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNODC), the World Bank and the World Customs Organization (WCO) by, inter alia, providing technical assistance to Member States in their efforts to eradicate wildlife and forest crime.16

23. Technological advances in the past years have made it easier to track and detect illegal trade. However, it is necessary to develop an improved platform where storage and information can be easily accessed. These technological advances have proven useful in the attempts to create a homogeneous consensus on how to eradicate illegal wildlife trade. The UN has made available useful tools such as the “Analytic Toolkit” from the UNODC or the “Tackling illicit trafficking in wildlife”17 which aims to provide a comprehensive guidance in analyzing administrative, preventive and criminal justice responses to wildlife and forest crime and other related offences in a given country.

24. Addressing the need to bring awareness to the undereducated population is key to tackling the issues of recruiting as well as the cultural demand of products. Within the efforts to educate people, it should be clear for the public as well as the government to make a clear distinction on what is illegal to harvest and trade. Awareness-raising is key in tackling the issue of the undereducated population. This can prevent workers from helping criminal organizations unwillingly or unknowingly. With the development of regional initiatives like campaigns and relevant policy processes, member states can adjust the perception of these illicit activities and shine light on the long-term impact that these have. These efforts must be tracked and evaluated in order to successfully assess the impact of different actions and ensure its successful implementation.

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16 Convention on International Trade in Endangered Species, CITES welcomes new UN Resolution, Available at: https://www.cites.org/eng/news/CITES_welcomes_new_UN_General_Assembly_resolution_on_tackling_illicit _trafficking_in_wildlife_20092019

17 United Nations Office for Drugs and Crime, Wildlife and Forest Crime Analytic Toolkit

18 Resolution 314 (2015)
25. Many countries have taken the approach of making a prerequisite of the adjustment of legal and regulatory reforms to address wildlife and forest offences. Yet one of the challenges in enhancing these legal systems is that these offences fall into a wide variety of government sectors which are within themselves regulated by different legislative instruments. The Analytic Toolkit is designed to help identify the relevant statutes pertaining to wildlife, forests, species protection and criminal law. It is the case that some countries have poorly developed laws regarding wildlife and forests, or on the other hand, some countries have such robust and extended legal frameworks that government agencies are unable to monitor compliance due to lack of resources. In analyzing domestic wildlife and forest crime-related laws and offences, it is necessary to avoid unnecessary duplication, complication and bureaucratization: Furthermore, it is not sufficient to have the correct laws; transparency is also critical. To ensure this it is necessary to adopt a clear and concise language that can be understood easily by the public.

26. It is important to mention the vast discrepancies among countries regarding the penalties imposed to wildlife and forest crime. Countries with softer penalties might be considered easy targets for criminal activities. It is therefore ideal to conduct international negotiations to achieve a point of reference for penalties around the globe, so perpetrators can be more easily discouraged at the prospect of a similar penalty whenever they operate. States should also be careful to keep their penalties up to date from inflation rates and similar changes. Sanctions should be made mandatory for all found criminal offences, however, severe penalties should be reserved for serious offences that are committed intentionally and serious offences that cause harm or death to another person.

27. It is necessary to ensure that offenders are fairly and systematically convicted. Yet, increasing penalties for illegal activities is not always the most effective method and in some cases it might prove counterproductive. Increased fines can increase the willingness to pay bribes and may lead to higher levels of corruption. Stiffer penalties will thus only act as a deterrent where overall governance of the wildlife and forestry sectors is improved. It is complicated to then recommend specific penalties, and should be for the judgement of individual jurisdictions. However, penalties should be commensurate with the harm caused and they should also be socially acceptable as courts may be hesitant to implement them.

28. Tax evasion, and the non-payment of duties, tariffs and other fees are common to the wildlife and forestry sectors as well. Although this fault may seem more tolerable when compared to the others, it deprives governments and local communities of important developments and investments, which can seriously harm developing communities that rely on that revenue to protect their natural resources. Consequently, avoiding fees also creates a serious challenge for those operators that comply with laws and regulations and might have to increase their prices to at wholesale and retail stages. Tax evasion and the non-payment of feea has proven to be linked with money-laundering and corruption, especially when corrupt government officials are subjected to bribery.

29. The investigation of wildlife and forest offences is a collective challenge that usually involves a wide range of government departments, private industry and civil society
organizations, each of which helps to bring a different perspective to the response. However, dealing with wildlife and forest offences in isolation inhibits the causes and consequences of this phenomenon. Therefore, it is imperative for stakeholders to build partnerships to combat offences effectively. Organizations and agencies are sometimes reluctant to help law enforcement because of concerns that they may alienate their constituents, because their priorities may be different, because sufficient resources may not be available or because there are legal constraints to their involvement. The goal is to create an environment where arrest and seizures for wildlife and forest crime can be added to a greater fight.

30. A recent report noted that there are many countries in which “poachers, smugglers, and dealers are likely to be better armed, better equipped, better educated, better paid, and better organized than many wildlife enforcement officers.” Therefore, it is crucial that staffers at all levels are trained and adequately skilled to meet any challenges while combating wildlife and forest offences. Enforcement capacities should involve a thorough review of training programmes and have it widely available for staffers and officials of all levels involved. International cooperation and information sharing is essential to ensure that wildlife enforcement officers worldwide have the same preparations and can successfully protect the world’s forests and wildlife.

IV. Further Reading

UN’s Article on strengthening laws in West and South Africa

WWF description of Illegal Wildlife trade:
https://www.worldwildlife.org/threats/illegal-wildlife-trade

World Charter Nature:
http://www.environmentandsociety.org/tools/keywords/united-nations-world-charter-nature

An informative discussion paper about Illicit wildlife trade

Resolution 326:
https://undocs.org/A/RES/71/326

CITES website:
https://cites.org/eng/res/index.php

Wildlife and Forest Crime according to UNODC

WWF article on CITES conference

Statement from UNODC Executive Director on Wildlife Day 2017

CITES species database:

Illegal deforestation in Norway

World Seizure database:

UN Chronicle article about a comprehensive approach to environmental criminal networks

UN News European Union’s efforts to combat illegal timber

Wildlife and Forest Crime Analytic Toolkit