Commission Summary – Key Outcomes of the

Expert Conference on the EU Approach against Wildlife Trafficking

On 10 April 2014, more than 170 experts from 27 EU Member States, 7 non-EU countries, key international organisations and representatives from over 20 NGOs responded to an invitation by the European Commission to meet in Brussels and discuss challenges regarding the EU approach against wildlife trafficking.

The conference, as well as the two workshops on the following day (governments and international organisations only), focused on two main areas: Firstly, the situation within the EU, and in particular how enforcement and the fight against organized wildlife crime could be strengthened. Secondly, how the EU could - through its diplomatic tools and development cooperation - support more effectively global efforts to reduce wildlife trafficking.

The following summary presents the key issues discussed and the main recommendations made by the participants.

Part 1 - Strengthening enforcement and the fight against organized wildlife trafficking within the EU

As a priority, it was considered crucial to generate within the EU (and globally) awareness and political will at higher level to treat wildlife trafficking as a serious problem. This is particularly the case where organised criminal groups are involved, which requires similar resources and awareness as other forms of serious crime.

In addition, the following points were highlighted:

- A strong legal framework including deterrent sanctions needs to be in place in all Member States as a precondition for effective enforcement. Significant differences in the implementation of existing EU rules, such as the Environmental Crime Directive, are problematic as enforcement in the EU as a common market is only as strong as its weakest link. Sanctions also need to meet certain thresholds as this is an indicator of the seriousness of the crime which triggers awareness and resources but also because this allows for the use of essential cooperation instruments, such as the European Arrest Warrant. Some other legal challenges for criminal prosecutions, e.g. on jurisdiction, also exist.

- Some of the rules on trade in endangered species, notably on intra-EU trade, could be strengthened further to close loopholes and could at the same time benefit from some simplification.

- All actors along the enforcement chain from customs, inspectors and the police (including where necessary specialists on financial or organized crime) to prosecutors and judges need to improve their cooperation. Good practices that exist in some Member States should be shared more widely.
• **Bringing some serious cases to court and obtaining strong judgements** is essential to show the importance of the crime area and to help raise awareness in the public, with policy makers and in the judiciary. The basis for this will be the quality of the investigation and the presentation of the case in court. Some form of specialization of investigators, prosecutors and possibly also judges was considered useful in this regard. Alternatively designated contact points in all prosecution services can be an option.

• **Training** (at all levels and also jointly for the different actors), **information material, guidance documents and checklists** for inspectors, prosecutors and judges are essential. Amongst the judiciary, the training focus should be on criminal law judges. Guidance and training material should be shared widely and be further developed. Other measures discussed that could help for better prosecutions and mobilization of the judiciary include developing further methods and exchange practices on how to attribute monetary value to the species; showing the impact on overall conservation, e.g. through conservation impact statements; using the full range of legislation, including e.g. tax laws, laws on membership in an organized criminal group etc. and routinely requesting confiscation of the assets.

• The **lack of reliable and comprehensive data** is a major problem. It is crucial that all Member States ensure that data is collected and made available, including to Europol whose analyses are important for priority setting in the fight against organised crime at EU level.

At the same time, resources from enforcement services are challenged by the multiple **reporting requirements** and different formats used by different organisations (Interpol, CITES, Europol, WCO, Traffic ...) are a problem and require too many resources. ICCWC could be a useful forum to discuss how to unify the reporting format.

• **Illegal internet trade** plays an important role, and police officers with specific expertise are important for teams working on illegal wildlife trade.

**Strengthening cooperation amongst Member States and with other partner countries**

• EU Member States should become more active in working together. The existing **networks of practitioners at all levels** should be further strengthened. More information on seizures, prosecutions and court decisions should be shared, also beyond the current users of EU Twix. The **EU Enforcement Group** plays an important role for information exchange but also in training less experienced colleagues. However, it can only fulfil its role if all Member States actively engage. The group should be made more operational with participants including mainly enforcement officers and discussing specific operational challenges. At home, it is important that the participants act as multipliers and pass on their knowledge to colleagues. The Enforcement Group can also play an important role to ensure that CITES decisions/resolutions on enforcement are implemented in a more uniform way throughout the EU. Regular and targeted interaction with third country enforcement authorities would be helpful.

• EU Member States should engage in **joint operations**, both within the EU and internationally. This also helps to raise awareness.
• Within the **Commission**, **additional resources and expertise on enforcement** could play an important role to strengthen the focus of activities and to improve cooperation.

• **Europol** (including *Envicrimenet* and *Eurojust*) are willing and available to work more in the area and can provide important support for cross-border activities. They can help in coordinating joint controlled deliveries or joint investigation teams of several Member States and can also assist in liaising with third countries, including e.g. by covering translation costs.

• **Seconding** officers to key source and market countries can be very useful, even if only for a short period, e.g. to solve bilateral cooperation problems.

• **Data sharing**, in particular concerning nominal data, is often very challenging due to legal obstacles. A review of respective national legislation could be useful.

**Organized wildlife crime within the EU** receives so far too little attention amongst policy makers and experts on organised crime. Therefore, more comprehensive analysis of the illicit trade flows and criminal groups involved is essential. The importance of the EU's **four year policy cycle** that determines the priorities of the EU’s fight against organized crime was emphasised. The current cycle will be reviewed in 2015, and organized wildlife crime could become a priority. This requires that Europol has the necessary data from Member States to do the analytical work to prepare such re-prioritisation.

Other points highlighted in this context were:

• The need to look more into **illicit financial flows** associated to wildlife trafficking, e.g. regarding money laundering;

• The need to ensure that **EU instruments/measures** against organized crime can be applied to wildlife trafficking;

• The importance of providing for a **maximum imprisonment of at least four years** in cases of organized wildlife crime which means recognizing it as a "serious crime" which is key for the applicability of the UN Convention against Transnational Organized Crime. At national level, this would allow for the use of essential investigative tools, such as wire tapping, covert investigations etc.;

• The importance of **controlled deliveries** as an essential tool to reach the leaders of criminal networks.

**Part 2 - The International Dimension**

Regarding **international activities and diplomatic action** the following points were highlighted:

Priority should be given to the **implementation of the commitments** agreed in CITES and those taken at the recent high level Summits against wildlife trafficking in London, Paris and Gaborone.
To this end, action should be first taken using existing international instruments, and in particular:

- The CITES Convention, where Parties should be encouraged to fully use all tools on enforcement and compliance available to them to address illegal wildlife trade occurrences;

- The International Consortium for Combating Wildlife Crime (ICCWC), for which long-term support and funding should be secured. The capacities of the agencies composing ICCWC should also be strengthened. The extension of ICCWC to other organisations such as UNEP was also mentioned, where its expertise on the rule of law and environmental legislation in particular could represent an added-value;

- The African Elephant Action Plan, as the main strategy agreed by all African range States to better conserve and manage African elephants.

International enforcement cooperation on enforcement should also be reinforced, notably through:

- Enforcement cooperation with key market, transit and range countries at bilateral (for example through MoU or regular dialogues) and regional levels (notably with an enhanced involvement of the EU Enforcement Group with Wildlife Enforcement Networks in other regions);

- The sharing of experience on enforcement best practices (such as the adoption of adequate legislation on sanctions or involvement of the judiciary);

- The participation by Member States in international enforcement operations, such as the Cobra operations.

New international initiatives should be considered to secure the engagement of the international community beyond environment experts, with a view in particular to addressing the implications of wildlife trafficking on peace and security and rule of law:

- The adoption of a specific UNGA Resolution and the appointment of a special UN Representative/Envoy on wildlife trafficking. The added-value of such initiatives compared to existing tools should be thoroughly analysed. Key issues in that regard include a reflection on the mandate, profile, timeline and budget of a possible UN Envoy. The link with security as well as with other initiatives on natural resources and conflicts could be explored further. The UN Group of Friends on this issue based in New-York is a good vehicle to take those issues further;

- An enhanced role for UNEP as the universal UN body competent for environment and the opportunity for the UN Environment Assembly to consolidate the commitments agreed at the London, Paris and Gaborone Summits;

- The adoption of actions at the G8/7 and G20 levels;

- The inclusion of wildlife trafficking as part of the goals and targets under discussion for the post-2015 agenda.
Further engagement from the *Embassies/EU Delegations* and the diplomatic network on wildlife trafficking was also advocated. This could be done through instructions from the headquarters to increase attention on the matter, the inclusion of wildlife trafficking in the portfolio of embassy staff (notably those in charge of security, customs or organised crime), as well as coordinated action with other embassies, civil society and international organisations on the ground on specific issues.

On the **development cooperation** side, the following suggestions were presented:

- Mapping the needs and funds available for financial assistance in the range, transit and consumer countries: while this represents a challenging task, this exercise should allow maximising the impact of development cooperation assistance and avoiding overlaps. It should be done in coordination with the beneficiary countries and other donors, at national, regional and (if relevant) continental levels;

- Development cooperation funds against wildlife trafficking could be raised not only in support of biodiversity conservation but also in connection with national or regional security strategies;

- The need to foresee urgent financial support to address urgent crisis situations was also stressed, based on the model of what is planned for current interventions by ICCWC or under the new MIKES programme;

- The challenges faced by specific initiatives such as forest certifications to ensure objectivity were also raised, as well as the need to engage with the private sector on some projects;

- The importance of the African Elephant Action Fund was emphasised.

The following **overarching issues** were singled out, to be considered when launching new international initiatives or adopting actions:

- It is essential to include the socio-economic dimension of the drivers and features of wildlife trafficking. Wildlife trafficking driven by poverty will not stop if alternative sources of income are not found for the “front-line” poachers on the ground. The involvement of local communities in devising and implementing anti-poaching measures is key to their success. In addition, socio-economic research on wildlife trafficking should be further developed to help understanding better its characteristics and how to address it. Putting an economic value on the scale of wildlife trafficking will also assist convincing policy-makers of the importance of the issue;

- Understanding the motivations of people involved in poaching or in the consumption of illegal wildlife products and passing on clear messages as to the consequences of their acts is another imperative to change behaviours, as part of anti-poaching and demand reduction campaigns;

- Data collection on wildlife trafficking at the international level remains patchy and insufficient. The establishment of a worldwide report on wildlife trafficking would be a first step forward to expose the global reality of the problem.