

# **Your Voice In Europe: ROADMAP feedback for Action Plan against Wildlife Trafficking**

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- Publication: can be published with your personal information

## **Related document: Action Plan against Wildlife Trafficking**

### **Feedback:**

*IFAW welcomes the decision by the European Commission to develop a cross departmental EU Action Plan against Wildlife Trafficking. The attached response contributes IFAW's reaction to the roadmap on the options for a future EU Action Plan against Wildlife Trafficking.*

*IFAW refers the European Commission to IFAW's submission to the Communication on the Wildlife Trafficking Action Plan - dated April 2015 - and the letter signed by IFAW and other Non Profit Organisations to Commissioner Vella and Vice President Timmermans - dated March 2015 - for IFAW's opinions on the make-up and content of a future Wildlife Trafficking Action Plan. IFAW calls on the Commission to incorporate each of these measures in any future Action Plan.*

*These submissions recognised that much of the competence for combatting wildlife crime – such as European Development Fund resources and Justice and Home Affairs – falls within Member State sovereignty and competence. An Action Plan of the type envisaged under Option 2 maintains sovereignty at the Member States level, but improves coordination and policy coherence between Member States and other international actors using an intergovernmental Council led framework. As such it does not impact Member State sovereignty or require Treaty change.*

*IFAW therefore believes only an Action Plan of the type that exists for other serious crimes such as human trafficking, drug trafficking, and terrorism can provide the necessary tools and political and policy framework, as well as accountability, to allow Europe to play a vital role in global efforts to tackle wildlife crime adequately.*

*IFAW therefore strongly recommends Option 2 in the Roadmap.*

*IFAW submission to April 2015 Communication: [http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2014/docs/contributions/other\\_141003\\_ifaw\\_consultation\\_on\\_the\\_renew](http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2014/docs/contributions/other_141003_ifaw_consultation_on_the_renew)*

[al of the eu internal security strategy en.pdf](#)

*Joint letter to Commissioner Vella and Vice President Timmermans - dated March 2015: <http://www.ifaw.org/sites/default/files/default/150213-Wildife-Trafficking-ActionPlan.pdf>*

## IFAW Response: European Commission Roadmap Towards an Action Plan Against Wildlife Trafficking

**IFAW welcomes the decision by the European Commission to develop a cross departmental EU Action Plan against Wildlife Trafficking. The below response contribute IFAW's reaction to the roadmap on the options for a future EU Action Plan against Wildlife Trafficking.**

### Option Mapping

IFAW refers the European Commission to IFAW's submission to the Communication on the Wildlife Trafficking Action Plan<sup>1</sup> - dated April 2015 - and the letter signed by IFAW and other Non Profit Organisations to Commissioner Vella and Vice President Timmermans<sup>2</sup> - dated March 2015 - for IFAW's opinions on the make-up and content of a future Wildlife Trafficking Action Plan. IFAW calls on the Commission to incorporate each of these measures in any future Action Plan.

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### Option #1

There is a clear need for wildlife trade rules to be better enforced, but in the absence of political endorsement by Member States, this approach will be insufficient to ensure they consider wildlife trafficking a priority. Its implementation would largely depend on their voluntary efforts, similar to the approach since the issuance of the 2007 Commission Recommendations on enforcement. This option would also not tackle the international dimension of this crime, and nor many of the other inter-related dimensions - included but not limited to demand reduction, weak governance and poverty in source countries. IFAW considers this option to be ineffective and does not support it.

### Option #2

This option would allow Europe to increase the profile of wildlife crime at the political level, ensure engagement of all relevant services and set clear benchmarks to assess progress made. This option would also reinforce the EU development policy related to natural resources management in countries which depend for a part of their income on the wildlife sector. This will contribute to reducing the high levels of wildlife trafficking severely hampering economic development.

Given the importance of development policy to combat the international elements of any strategy, this option must **fully incorporate and fund the recommendations in the DEVCO paper, "Larger than Elephants: Inputs for an EU strategic approach to wildlife conservation in Africa"**. IFAW urges the Commission and Member States to establish a Trust Fund (as established under Article 187) for this purpose utilising amongst other funding streams, the European Development Fund.

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<sup>1</sup>[http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2014/docs/contributions/other\\_141003\\_ifaw\\_consultation\\_on\\_the\\_renewal\\_of\\_the\\_eu\\_internal\\_security\\_strategy\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2014/docs/contributions/other_141003_ifaw_consultation_on_the_renewal_of_the_eu_internal_security_strategy_en.pdf)

<sup>2</sup><http://www.ifaw.org/sites/default/files/default/150213-Wildlife-Trafficking-ActionPlan.pdf>

The broad range of actors and tools required to combat wildlife crime, require an Action Plan that includes measures beyond those only under the direction of DG Environment and Environment Ministries in Member States; including but not limited to Development, Home, Justice, EEAS, Trade and Taxud. As with other Action Plans, a Wildlife Trafficking Action Plan would ensure concerted action among these players, all vital to successfully address illegal wildlife trade within the EU and in third countries. Such coordination would allow, for example, proactive financial investigation and requirements within future trade agreements.

The proposed roadmap lacks mention of two areas, each vital for the success of any Action Plan.

1. **Identifying, protecting and assisting live animals trafficked** - Commission Recommendation No 2007/425/EC on enforcement actions called on Member States to ensure facilities for the placement of confiscated animals are available and mechanisms in place for long-term rehoming, yet many countries still lack such dedicated facilities and strategies. The lack of implementation of this recommendation has resulted in enforcers avoiding enforcement of this crime due to the difficulties of placing live specimens. Development of confiscation strategy plans should be incorporated into an Action Plan so prompt action can be taken when a seizure occurs utilising trade trend analysis to forecast species likely to be seized. Coupled with the development of a network of rescue facilities and sanctuaries would help ensure prompt and humane placement of confiscated animals in specialised centres.
2. **Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in wildlife** - The trends, patterns and working methods of traffickers change continually as they adapt to enforcement and changing patterns of demand and supply - an example is the growing and changing use of the internet as a means to trade in wildlife. It is necessary to be able to understand such trends quickly and ensure an effective response. An EU-wide System for Data Collection must be developed; in its Communication on measuring crime in the EU, the Commission emphasised the need to collect reliable, comparable data for evidence-based policy on trafficking in human beings. The Communication includes an Action Plan for 2011-2015 to collect data on a small number of indicators. Given the common strands between various different types of organised crime, a similar process must be initiated for wildlife crime. At present, data collection at the EU level is largely limited to the annual and biennial reports, and EU-TWIX, however the information is not standardised and not sufficiently comparable. The Action Plan should call for the uniform data collection and analysis of wildlife trafficking and crime statistics across the EU, comparable to those which already exist for other crime sectors, so that the extent of the problem is understood and priorities can be established for future action. This reporting should include data on confiscated species and identification of key routes to help establish trends in illegal wildlife trade.

IFAW also supports the inclusion of a reference to the new EU Agenda for Security and calls for wildlife trafficking to be fully incorporated when it is reviewed to facilitate actions by Member States to sanction wildlife crime as a serious crime.

### Option #3

Whilst IFAW believes it is necessary for all Member States to “qualify wildlife trafficking involving organised criminal groups as a serious crime, punishable with a maximum sanction of at least four years’ imprisonment” as per UN ECOSOC Resolution 2013/40, the perceived threat to – whether valid or not - Member State sovereignty resulting from the addition of a legislative element to “harmonise” penalties, risks delaying the preparation and implementation of an Action Plan, as well as potentially diluting the political support for it. Beyond the delay resulting from the requirement for a proportionality review and impact assessments, elements of it may also require Treaty change or be subject to legal challenge, which would unnecessarily delay the launch of an Action Plan.

In addition, existing Action Plans for serious crimes have not required a legislative element to harmonise penalties, but nevertheless have led to the voluntary implementation of such measures. IFAW therefore believes the best solution given the politics of the day is to forgo the legislative route in favour of Option #2.