

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

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TRAFFIC's response to the European Commission Roadmap towards an EU Action Plan against Wildlife Trafficking

TRAFFIC commends the European Commission (EC) for taking action to address the issue of illegal wildlife trade that was marked by the publication of the Communication on the EU Approach against Wildlife Trafficking in February 2014. TRAFFIC also welcomes the EC's plan to adopt an EU Action Plan against Wildlife Trafficking.

TRAFFIC provided a comprehensive response (<http://www.traffic.org/general-pdfs/TRAFFIC-Response-EC-consultation.pdf>) to the Communication in April 2014, which provided our views in detail regarding the wider issues that need addressing. Therefore, this brief response focuses on the options outlined in the Roadmap, highlighting the key points from TRAFFIC's perspective.

The Roadmap provides a comprehensive overview of the context, highlighting the need for stepping up the EU's efforts in tackling wildlife crime globally. TRAFFIC welcomes in particular the co-operation between several EC services (DG ENV, HOME, JUST, DEVCO and EEAS) in preparing the Roadmap. It is hoped that this cooperation will be maintained during the elaboration of the Action Plan as well as during its implementation, to ensure co-ordination and coherency at the highest level and to set example for a similar approach at the national level in each Member State.

Of the options presented in the Roadmap, TRAFFIC would strongly encourage the adoption of Option 2, as that appears to provide a comprehensive and fast response to the urgency of the wildlife crime crisis. TRAFFIC fully supports the adoption of an Action Plan as that would provide further impetus and clear guidance to Member States in translating the commitments they made at various high-level meetings in the recent years (e.g. Paris, London and Kasane declarations/statements, the G7 leaders meeting and the UNGA resolution). However, it is important to stress that the Action Plan to be adopted should make a clear reference to the new EU Agenda for Security, which recognizes the need for assessing whether EU policy and legislation against environmental crime should be strengthened and anticipates a review for 2016, as also pointed out by the Roadmap.

The United Nations Convention against Transnational Organized Crime, which all EU Member States are Parties to, defines "serious crime" as "conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more"¹. EU Member States played an important role in the recent adoption of the UN General Assembly Resolution on 'Tackling illicit trafficking in wildlife', which, among others, "calls upon Member States to make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime, in accordance with their national legislation and article 2 (b) of the United Nations Convention against Transnational Organized Crime"². Yet, several EU Member States do not currently have legislation that would allow the imposition of four years or more of imprisonment for wildlife crime, which can negatively affect the perceptions of the seriousness of such criminal cases, likely negatively affecting investigations, prosecutions and sentencing. Moreover, low penalty levels can also limit the types of

¹ https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERET_O.pdf

² http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/314

investigation techniques that may be used in criminal investigations, such as phone tapping, which may further impede evidence gathering and successful prosecution.

TRAFFIC agrees that the EC gain the endorsement of the Action Plan by the Council under Option 2 – this would be essential in securing the much-needed high-level political commitment from the Member States. The setting of clear timelines, benchmarks and monitoring/reporting as part of the Action Plan, as also suggested by the Roadmap, would be equally important in ensuring delivery against the targets to be set up in the Action Plan.

TRAFFIC is pleased to see that under Option 2, point (1), the Action Plan predicts taking steps towards reducing the demand for illegal wildlife products. In that regard, TRAFFIC would like to emphasise the need for evidence- and science-based approaches in achieving real and long-term behaviour change, going beyond just awareness activities. These could follow TRAFFIC's Five Step approach to behavioural change, which is grounded in social science principles, should be led by statutory authorities in the consumer States and engage a wide variety of stakeholders, as a framework for future demand reduction initiatives. This structure has been endorsed by both the Global Tiger Recovery Programme and the Rhino Working Group established under CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) with respect to framing both species-specific and systemic interventions. With support from a number of EU Member States, TRAFFIC is already facilitating collaborations amongst key stakeholders, including government, corporate leaders and those influential in society. This is helping to foster strong "thought leadership" around demand reduction interventions, which are a relatively new field of conservation interest. Such approaches will be critical if we are to implement an optimized suite of interventions, and employ effectively the agents of change that will realistically undermine the factors driving serious organized criminal involvement in wildlife crime activities.

In terms of supporting wildlife management and anti-poaching activities, mentioned under Option 2, point (1), EC DG DEVCO have been conducting important work, including compiling input for an EU Strategic Approach to Wildlife Conservation in Africa, to which TRAFFIC has also contributed, and which has compiled important considerations and set priorities. It is hoped that the wealth of information and experience gathered through that process will be built upon during the implementation of that part of the Action Plan.

Continuing on point (1) under Option 2, we strongly feel that the outlined "preventive measures" fall too short as – whilst mentioning wildlife management – they focus almost solely on the elements of combating wildlife crime and the encouragement of the business sector to engage in sustainable sourcing. Whilst we agree with the EC that these elements are all essential, we feel that the suggested priorities currently neither consider the adverse effects of actions supporting the combat against wildlife crime on Indigenous Peoples and Local Communities (IPLCs); nor do the listed priorities sufficiently consider and value the key role that IPLCs, their traditional knowledge and their tenure and rights over wildlife resources, can play in providing solutions to the issue at hand – action against Wildlife Trafficking. Hence in the priorities mentioned further below under Option 2, there is an apparent lack of considering, *inter alia*, providing incentives to support bona fide legal and sustainable trade of well managed fauna and flora resources from the wild – not just by addressing 'businesses', but also by addressing IPLCs. We believe that in this context important lessons can be learned from the conclusions and recommendations stemming from the International Symposium on "*Beyond enforcement: communities, governance, incentives and sustainable use in combating wildlife crime*" that was convened on 26-28 February 2015 in South Africa by IUCN's Sustainable Use and

Livelihoods Specialist Group in conjunction with IIED, TRAFFIC and many other partners³. The recommendations of the Symposium should, in our view, provide for a standalone further priority within Option 2.

As for strengthening enforcement and fighting organized wildlife crime more effectively (point (2) under Option 2), TRAFFIC would like to stress the need for improved information exchange and co-operation at the national, EU (including with Europol) and global (including with partners under the International Consortium on Combating Wildlife Crime - ICCWC) levels, which is a cornerstone in addressing wildlife crime. Option 2, point (2) also makes reference to setting up EU strategic enforcement priorities against wildlife trafficking – TRAFFIC encourages the Member States to identify and agree joint strategic EU enforcement priorities against wildlife trafficking on the basis of the involvement of the different CITES authorities (Management, Scientific and Enforcement) only, which are then built into the relevant structures at the national level, are reviewed regularly and updated as necessary.

TRAFFIC also welcomes the EC's plans to make a more strategic use of diplomatic tools and Free Trade Agreements to strengthen and co-ordinate better action against wildlife trafficking across the trade chain (in relevant source, transit and consumer countries) – the EU's recent accession to CITES enables the EU to play a fuller and more robust role in ensuring the effectiveness of CITES internationally and ensuring all Parties comply with its Decisions, Resolutions and other provisions, particularly with regard to addressing illegal wildlife trade. TRAFFIC also appreciates the EC's intention to increase EU development support and to improve donor co-ordination.

Finally, TRAFFIC would be in favour of including the illegal trade in all fauna and flora, including timber, non-timber plants, fish and other aquatic organisms in the scope of wildlife and thus of the Action Plan outlines. Should this not be immediately possible, TRAFFIC recommends exploring the possibility of expanding the scope of the currently proposed Action Plan to also include illegal trade in fisheries, timber and non-timber plant products, at least in the longer term. In the interim, information sharing and cooperation with the relevant EC structures responsible for these areas should be established and/or maintained, as relevant, to improve collaboration and to pave the way for their involvement in the future.

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³ The Symposium Report is available at http://www.iucn.org/about/union/commissions/ceesp_ssc_sustainable_use_and_livelihoods_specialist_group/communities_and_wildlife_crime/beyond_enforcement/