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Evaluation of the EU Action Plan against Wildlife Trafficking

Feedback provided by the Biodiversity and Security Project (BIOSEC) at the University of Sheffield

We, the ERC-funded Biodiversity and Security Project (BIOSEC), welcome the European Commission's call for public feedback in the process of evaluating the EU Action Plan against Wildlife Trafficking.

While the ambitious Action Plan and associated documents provided first steps towards a coordinated approach to tackling the illegal wildlife trade (IWT) in the European Union (EU), our research has identified that significant challenges remain, affecting the overall performance of the Action Plan. A number of these **challenges point towards deeper-seated causes stemming from gaps in EU legislation itself** that sustain a flourishing consumer, source and transit market for illegally traded wildlife products within the EU.

We provide a summary of the **four most pressing, interconnected challenges** below, but kindly note that we will provide a more detailed assessment during the public consultation process. The BIOSEC team would also like to offer their support and assistance in developing the next phase of the evaluation process.

Challenges affecting the Action Plan's effectiveness and efficiency

Our research indicates that the following challenges have prevented the Action Plan from effectively and sustainably curbing IWT across species:

1. Drivers of demand of IWT within the EU are acknowledged, but not sufficiently streamlined across all areas

The Action Plan has **not provided sufficient impetus to tackle the role of EU citizens in driving demand** for illegal wildlife products both at home and in the EU's neighbourhood. This also includes lacking steps to mitigate **negative effects from tightening regulations within the EU, such as criminal activity shifting towards third countries** (e.g. Western Balkans).

The Action Plan aims to comprehensively address both demand and supply through improved enforcement of existing legislation in the context of globally oriented responses. Yet, recognition of the European angle of IWT is confined to a limited number of Objectives and lacks in detail across all three priority areas, hampering targeted on-the-ground actions. For instance, Objective 1.1 of the Action Plan commits stakeholders to tackling the demand for IWT products within the EU. However, awareness-raising in key EU Member States is only included in one action point (c.f. Action 1), and, as our research indicates, often not implemented in practice. Other actions focus primarily on streamlining EU and Member States' funding towards rural communities in source countries outside of the EU (c.f. Objective 1.2 and 3.1). But as the EU and its Member States function as both consumer



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and source markets, significantly driving IWT in third countries (e.g. the Western Balkans), such a **focus on the source market outside of the EU leads to a one-sided approach.**

As IWT requires a comprehensive and more regional approach, which includes effects on the EU's neighbourhood, **curbing demand by EU citizens should be mainstreamed across all three priority areas**, particularly with a view towards Objective 3.2.

2. Framing of IWT as organised crime leads to responses that do not address crimes committed by less organised networks or legal businesses

The premise of the Action Plan is that wildlife trafficking is one of the world's largest organised crimes. We agree that organised crime is a very important element of the illegal wildlife trade, but this label **does not adequately capture the range of actors involved in wildlife crime.** This means that policies designed to tackle wildlife crime may miss some crucial actors. It is also carried out in ad hoc, less organised and everyday ways by opportunist traders; trafficking is also carried out (knowingly as well as unwittingly) by legal entities such as corporations, sport hunting companies and food retailers. This branch of IWT is thought to fall under the category of 'green collar crime'¹, i.e. the type of environmental crimes committed by legally registered companies who are involved in illegal activities or use their infrastructure to facilitate illicit trade. Using the label 'organised crime' focuses on just one form of trafficking by one type of actor and fails to take these other stakeholders into consideration. Such an emphasis on organised crime prioritises enforcement and intelligence-focused responses. The negative effects of this approach primarily impact on poorer communities in source countries.

Instead, **if wildlife trafficking is treated as a problem of wealth and inequality, the focus on tackling it shifts policy responses towards demand reduction amongst the world's wealthy, including EU citizens**, rather than focusing on enforcement in source countries.

3. The Action Plan overlooks IWT in less charismatic European species

The Action Plan draws disproportional attention to the illegal trade of wildlife products associated with high profile non-European species, such as ivory or rare reptiles (e.g. Objective 1.1). Such a focus is reflective of a wider framing of IWT as a problem of Asia and Africa, rather than of the EU itself as a source of production and consumption. However, **non-CITES listed European species, such as songbirds, are illegally traded in large numbers within the EU**, negatively impacting bird populations across the entire region. While we support the EU's commitment to stepping up efforts to ensure the implementation of the EU roadmap towards eliminating the illegal killing, trapping and trade of birds (Objective 2.1, Action 11), we doubt that steps towards the improvement of national monitoring and enforcement will prove effective. This is because national and regional exemptions and derogations of existing EU legislation create a highly complex legal context in which illegal activity can easily be concealed. We therefore advise to **evaluate how exemptions to EU legislation (e.g. Birds and Habitat Directives) can act as an enabling factor of IWT in the EU.**

¹ Van Uhm, D.P. (2016) *The Illegal Wildlife Trade: Inside the World of Poachers, Smugglers and Traders.* Springer.



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4. Links between IWT and (in)security are not as evident as the Actions Plan suggests

There seems to be a pre-given assumption that IWT fuels insecurity while at the same time the Action Plan acknowledges that the knowledge base about these connections is underdeveloped. Hence, **efforts to produce knowledge about IWT-security links have a built in assumption that security and IWT are closely interlinked**, even if there is substantial, up to date research demonstrating that the evidence base to support these claims, including in this strategy, is not there or has been shown to be untrue. More specifically, Objective 3.3 sets out the need to investigate those links, acknowledging that we do have evidence of these links; yet, the strategy states that “better tools must be developed to tackle the links between wildlife trafficking and security that exists in some regions (Objective 3.3)” (p. 7). Objective 3.3 is primarily about improving the knowledge base about links between IWT and security. We should not assume those links exist, until we have a valid knowledge base about these links, which Objective 3.3 implicitly states we do not.

We therefore **caution to make assessments based on an assumption that IWT and (in)security are clearly linked when this has not been sufficiently proven by evidence-based research.**

About the BIOSEC Project

BIOSEC – Biodiversity and Security: Understanding Environmental Crime, illegal wildlife trade and threat finance – is a four-year project, funded by a €1.8 million European Research Council (ERC) Advanced Investigator Grant. The BIOSEC project critically examines the growing inter-relationships between biodiversity conservation and security. Running until August 2020, BIOSEC examines how we define environmental crimes, the responses by the European Union to the illegal wildlife trade, and how new technology is being used to tackle poaching and trafficking.

With policy-makers urgently needing more information in order to design more effective and socially just responses, the BIOSEC project team also produces policy relevant information to assist and support in practical actions to protect wildlife across the globe. Our team would be willing to offer additional advice and support on the further development of EU Action Plans.

This project is located at the Department of Politics and International Relations at the University of Sheffield. It has received funding from the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation programme (grant agreement No 694995).