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WCS's Position on the Implementation of the EU Action Plan against Wildlife Trafficking

The Wildlife Conservation Society (WCS) is a global conservation organisation working to save wildlife and wild places through science, conservation action, education, and inspiring people to value nature. Our field programmes in more than 60 countries in Asia, Africa, the Americas, and the Pacific build on more than 100 years of experience and scientific and technical expertise. To learn more about WCS and our conservation programmes, visit www.wcs.org.

This document presents WCS's position on the implementation of the European Union (EU) Action Plan against Wildlife Trafficking.¹ It analyses targeted actions that are of interest to WCS, as well as suggesting opportunities for improvement to effectively deliver the EU's commitments on this pressing issue.

Overview

Wildlife trafficking has become one of the most lucrative criminal activities and constitutes one of the most immediate threats to biodiversity in many parts of the world. Wildlife is being bought and sold across the globe on an increasingly large scale as pets, meat, and food, as medicine, furs, feathers, skins, and trophies.² The EU has an important role to play in addressing wildlife trafficking, as it constitutes a destination market, a hub for trafficking in transit to other parts of the world, as well as the source region for illegal trade in some species.³

EU Action Plan against Wildlife Trafficking

In February 2016, the European Commission adopted a comprehensive Action Plan to tackle wildlife trafficking within the EU and to strengthen the EU's role in the global fight against these illegal activities. The plan has three main components – greater enforcement, better cooperation, and more effective prevention. The Action Plan is to be implemented jointly by the EU (Commission services, European External Action Service, Europol, Eurojust) and its Member States until 2020. The Commission will report to the Council and the European Parliament by July 2018 on progress in implementing the Action Plan, and on whether its priorities and objectives are appropriate and relevant and what further action is needed.

WCS strongly supports this key initiative to combat wildlife trafficking and commends the European Commission and the Member States for their leadership and for their first achievements in implementing the Action Plan. If the Action Plan is fully implemented it will have a significant positive impact on reducing wildlife trafficking globally.



Priority 1 – Preventing wildlife trafficking and addressing its root causes

WCS Recommendation: Implement a full ban on the sale of ivory to, from, and within the EU

Elephant populations continue to decline significantly throughout Africa and Asia. Each year, at least 20,000 elephants are killed illegally for their ivory and only strong action can save this iconic animal from becoming extinct in many parts of its range. The EU's continued domestic trade in ivory sends an inconsistent and ambiguous message to the international community, as well as to EU citizens. Allowing the domestic sale of ivory reinforces its social acceptability and makes it a desirable product to own, further fuelling the illegal market and stimulating trafficking. Ivory trafficking exacerbates conflict, corruption, and poverty, and thus also weakens national security and governance in various countries.⁴ The EU's continued domestic trade in ivory compromises enforcement measures, particularly in range States, and undermines global efforts to combat ivory trafficking and elephant poaching.

Under the EU Wildlife Trade Regulations, export from the EU of worked elephant ivory items acquired before 1976 is authorised and intra-EU trade is allowed for ivory items imported into the EU before international ivory trade became prohibited under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) - 1990 for the African elephant and 1975 for the Asian elephant.⁵ As part of the Action Plan, the European Commission has adopted a guidance document in May 2017, recommending that, as of 1 July 2017, EU Member States stop issuing export documents for raw ivory.⁶



Confiscated ivory items ©Julie Larsen Maher/WCS

WCS welcomed the public consultation⁷ on ivory trade in the EU organised by the European Commission which closed on 8 December 2017 and received 89,813 replies, one of the highest response rates ever for an EU public consultation.⁸ WCS submitted a comprehensive, technical response to the consultation⁹ and participated in the stakeholder meeting on ivory trade held in Brussels on 8 December 2017. While the EU has made progress in further limiting trade in ivory within and from the EU, its current rules governing ivory trade, including the 2017 guidance document, are insufficient to effectively address the global ivory crisis. WCS urges the EU to step up to fight illegal ivory trade within the EU, take bold action, and implement as a matter of urgency a total EU ivory ban on both raw and worked ivory to, from, and within the EU.



Priority 2 – Making implementation and enforcement of existing rules and the fight against organised wildlife crime more effective

WCS Recommendation: Review and revise the EU Environmental Crime Directive

Environmental crime has become the fourth largest illegal global trade, after drugs, counterfeiting and human trafficking, estimated to be worth up to 216 billion USD; and wildlife trafficking alone is worth an estimated 23 billion USD annually.¹⁰ A recent UN Environment - Interpol report¹¹ concluded that environmental crime constitutes a threat to peace and security, and often converges with other serious crimes such as corruption, cybercrime and financial crime.

In line with the EU Agenda on Security 2016-2020 the European Commission Directorate-General for Justice (DG JUST) has been tasked with the review of the effectiveness of Directive 2008/99/EC on the protection of the environment through criminal law, including concerning the criminal sanctions applicable to wildlife trafficking throughout the EU. The revision of the EU Environmental Crime Directive is essential as it is currently insufficient to effectively address wildlife crimes. The EU needs to update its legislation to bring it in line with the 2014 UN Convention against Transnational Organized Crime (UNTOC) declaration¹², of which the EU and its Member States are signatories, and which calls on countries to treat wildlife and forest crimes as serious criminal offences. This would enable the issue to be given the resources and people it needs to be effectively tackled. As a first step in the review process, the Commission organised a productive workshop on 20 October 2016, attended by WCS and other NGOs, which focused on how the Environmental Crime Directive contributes to the fight against organised environmental crime. The next step in the review process was anticipated to be the publication by DG JUST of an in-depth analysis on the contribution of criminal law to the fight against environmental crime, which was expected by the end of 2017.



Glass eel ©Julie Larsen Maher/WCS

While we have been encouraged by the role the EU has taken in tackling this issue to date, WCS urges the Commission to publish the in-depth analysis as soon as possible and to communicate a clear timeframe and consultation process. This is particularly important given the urgency of the issue, and given that both the Agenda on Security and the Action Plan against Wildlife Trafficking stated that the review would take place by the end of 2016. We therefore now call on the Commission to fulfil the commitments it has made in this area, and we look forward to receiving more information on the review and revision process of the EU Environmental Crime Directive from DG JUST.



Priority 3 – Strengthening the global partnership of source, consumer and transit countries against wildlife trafficking

WCS Recommendation: Include strong commitments in EU trade policies to support action against wildlife trafficking

The EU is the biggest player on the global trading scene¹³ and therefore brings considerable weight and influence when negotiating trade agreements with third countries. Incorporating Sustainable Development chapters in EU Free Trade Agreements (FTAs), including provisions on legal and illegal wildlife trade, is crucial to ensure responsible trade and to meet the EU's commitments to deliver the SDGs, CITES, and the three UN General Assembly Resolutions on tackling illicit trafficking in wildlife - adopted in 2015, 2016, and 2017.¹⁴

Mid-2017, the European Commission started a debate on Trade and Sustainable Development (TSD) in EU Trade Agreements and sent on 11 July 2017 an associated non-paper of the Commission services to the European Parliament and the Council, to which WCS submitted its response.¹⁵ WCS acknowledges the Commission's recent efforts to include text in FTAs on wildlife and specifically on the wildlife trade (legal and illegal). The 2016 EU-Vietnam FTA¹⁶ constitutes a good model with explicit references to CITES and provides strong and exhaustive commitments on this regard. However, the proposed text on "Trade and Biological Diversity" in the EU-Mexico FTA¹⁷ or the EU-Indonesia FTA¹⁸ (both currently under negotiation), for example, contains less precise and detailed commitments to promote sustainable trade in wildlife products and to combat the illegal wildlife trade.



Amur tiger cubs ©Julie Larsen Maher/WCS

The Commission must ensure that both illegal and legal (but often unsustainable) wildlife trade are dealt with effectively in all FTAs and not just some of them. WCS urges the Commission to include relevant provisions on transparency, anti-corruption, sharing of information on investigations into wildlife trafficking, cooperation, and enforcement measures in every future EU FTA. WCS also believes that non-compliance issues should be associated with consequences, whether through trade or other sanctions, as it encourages partners/States to comply more fully with TSD provisions. WCS expects the Commission to prioritise the discussion on Sustainable Development chapters in FTAs and take it further, starting with a full public consultation.

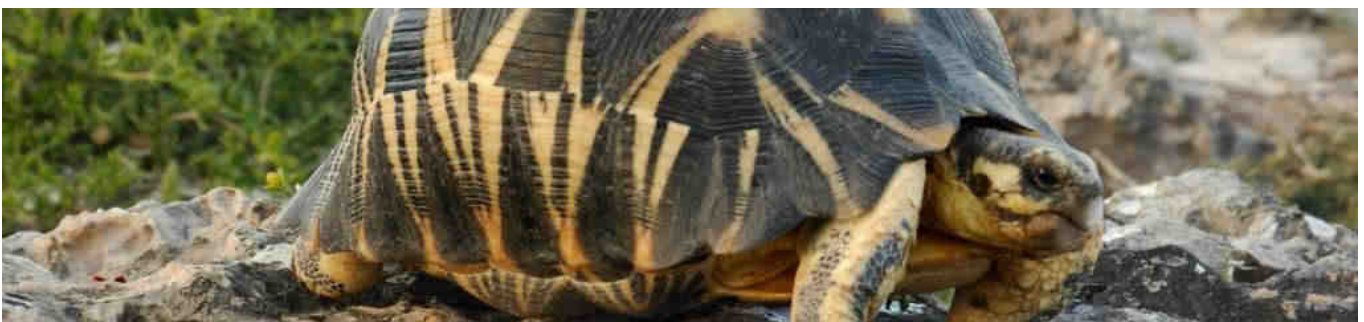


Priority 3 – Strengthening the global partnership of source, consumer and transit countries against wildlife trafficking

WCS Recommendation: Substantially increase EU funding to support action against wildlife trafficking

Wildlife crime is a global issue that needs to be tackled at all points along the supply chain, from source countries to transit and consumer countries. This includes supporting specific actions in source countries which often have weaker governance and fewer resources to tackle wildlife trafficking (e.g. in Central Africa), thereby requiring international assistance. Wildlife trafficking is more than a conservation issue - it exacerbates conflict, corruption, and poverty, and thus also weakens national security and local governance in various concerned countries.¹⁹

The EU, together with its Member States, is the largest donor of development aid in the world.²⁰ However, the proportion of European Commission development aid that supports biodiversity-related projects only represents around 2% of the overall EU development aid budget, which is almost €3 billion a year for 2014 – 2020 under the Development Cooperation Instrument (DCI) and more than €4 billion a year for the same period under the European Development Fund (EDF).²¹ The European Commission's Directorate-General for International Cooperation and Development (DG DEVCO) is now supporting the production of a number of ground-breaking in-depth studies including the 2016 study “Larger than Elephants: inputs for an EU strategic approach to wildlife conservation in Africa”²² and the 2018 study “Larger than Tigers: inputs for an EU strategic approach to biodiversity conservation in Asia”. A similar study is also under development for Latin America. WCS welcomes the publications of these ‘Larger than’ studies, which all recognise the need to tackle wildlife trafficking, including in the context of sustainable development. We also welcome a forthcoming DG DEVCO study exploring the links between security and wildlife trafficking in sub-Saharan Africa.



Radiated tortoise in Madagascar ©Julie Larsen Maher/WCS

WCS welcomes the current leadership shown by DG DEVCO and its interest to support initiatives to tackle wildlife trafficking issues, such as the Monitoring the Illegal Killing of Elephants (MIKE) programme and the Minimising the Illegal Killing of Elephants and other Endangered Species (MIKES) project, which are implemented by CITES together with elephant range States. However, to be fully effective this needs significantly increased long-term EU financial support (e.g. by being integrated within EU development assistance to improve security in third countries as wildlife crime is often linked to other crimes and security issues). EU funding needs to be allocated to implement the recommendations of the above-mentioned ‘Larger than’ studies and the findings of the study on security and wildlife trafficking.



Priority 3 – Strengthening the global partnership of source, consumer and transit countries against wildlife trafficking

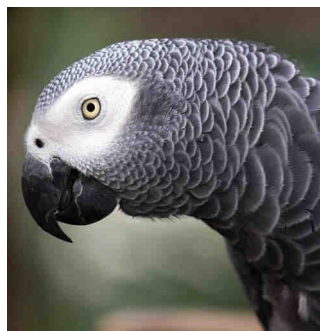
WCS Recommendation: Play a leading role in international and multilateral fora

The EU and its Member States have played a global leadership role on wildlife trafficking issues including through their participation in various international environmental fora, notably the 17th meeting of the Conference of the Parties (CoP17) to CITES, which took place from 24 September to 4 October 2016, in Johannesburg, South Africa, and the Hanoi Conference on Illegal Wildlife Trade, held in November 2016 in Hanoi, Vietnam.

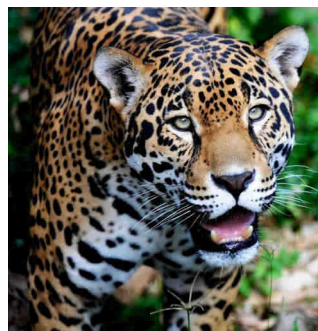
At CITES CoP17, the EU participated for the first time as a Party, alongside all 28 Member States, speaking and voting as a bloc with a strong voice. In line with the Action Plan against Wildlife Trafficking, the EU submitted or co-sponsored with concerned States, several proposals to amend the Appendices (in particular for the African grey parrot and sharks and rays) and other strategic documents (in particular on corruption), which were all adopted by the CoP. In addition, the EU also pushed for targeted recommendations to improve the fight against ivory, rhino horn, rosewood, pangolin and tiger trafficking. The 2016 Hanoi Conference was the third international Conference on Illegal Wildlife Trade, following the London Conference in 2014 and the Kasane Conference in 2015. Through these conferences, the EU and its Member States, in particular the United Kingdom, have shown great ability to secure political commitment and great leadership by bringing together NGOs, academics and key countries affected by the illegal wildlife trade to work together to tackle the issue.²³ In addition, building on two earlier United Nation's General Assembly (UNGA) resolutions adopted in 2015 and 2016 and with the support from the EU and its Member States, the UNGA adopted its third resolution on illegal wildlife trade in September 2017, the most comprehensive on the issue so far.²⁴



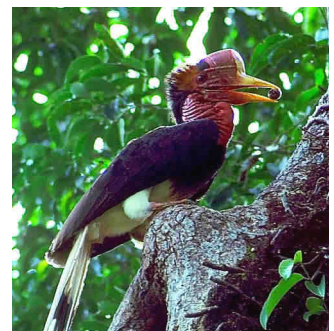
Pangolin



African grey parrot



Jaguar ©Julie Larsen
Maher/WCS



Helmeted hornbill © Morten
Strange

WCS commends the EU and its Member States for their leadership and efforts to implement CITES decisions and resolutions. In particular, WCS welcomes the fact that, for the first time in its more than 40 year history and thanks to the EU, CITES is finally grappling with the scourge of corruption. We urge the EU to continue increasing its leadership in these international fora, especially at the next CITES CoP (CoP18) to be held in Sri Lanka from 23 May to 3 June 2019, and to play an active role at the upcoming London Conference on Illegal Wildlife Trade to be held 10-11 October 2018. WCS urges the EU to submit documents to CoP18 also focused on illegal wildlife trade. WCS looks forward to continuing its productive collaboration with the EU and its Member States prior to and during these fora.



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Summary

WCS urges the European Commission to:


1. Step up to fight illegal ivory trade within the EU and implement a total EU ivory ban on both raw and worked ivory to, from, and within the EU.
2. Publish as soon as possible the in-depth analysis on the contribution of criminal law to the fight against environmental crime and to communicate a clear timeframe and consultation process for the review and revision of the EU Environmental Crime Directive.
3. Include strong commitments in every future EU FTA that will ensure the sustainability of trade in wildlife products and prioritise the discussion on Sustainable Development chapters in FTAs, starting with a full public consultation.
4. Substantially increase EU funding to support wildlife conservation and action against wildlife trafficking, and implement the recommendations of the 'Larger than' studies and the findings of the study on security and wildlife trafficking.
5. Continue increasing its leadership in international fora such as CITES meetings, and to play an active role at the 2018 London Conference on Illegal Wildlife Trade.

Overall, WCS commends the European Commission for its first achievements and all its efforts in implementing the Action Plan against Wildlife Trafficking. We look forward to continuing collaborating on this issue and to providing our policy, scientific, and technical expertise as required.



Bull Shark ©Emily Darling/WCS

Please contact Arnaud Goessens, EU Policy Manager (agoessens@wcs.org) regarding any questions on this document.

For more information on WCS's positions, please visit brussels.wcs.org  **[@WCSBrussels](https://twitter.com/WCSBrussels)**

WCS Brussels Office, Boulevard Louis Schmidt, 64, 1040 Brussels, Belgium