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**Integration and coordination of efforts by the
United Nations Office on Drugs and Crime and by
Member States in the field of crime prevention and
criminal justice: other crime prevention and
criminal justice matters**

Strengthening the international legal framework for international cooperation to prevent and combat illicit trafficking in wildlife

Report of the Secretariat

Summary

The present report was prepared pursuant to Commission on Crime Prevention and Criminal Justice resolution 31/1, entitled “Strengthening the international legal framework for international cooperation to prevent and combat illicit trafficking in wildlife”. The report provides a summary of the responses received from 76 Member States and the European Union. It also contains their views on possible responses, including the potential of an additional protocol to the United Nations Convention against Transnational Organized Crime, to address any gaps that may exist in the current international legal framework to prevent and combat illicit trafficking in wildlife, as well as their experiences, good practices and challenges in terms of preventing and combating illicit trafficking in wildlife, and their national legislation in this sphere.

* E/CN.15/2024/1.



I. Introduction

1. The present report has been prepared pursuant to Commission on Crime Prevention and Criminal Justice resolution 31/1, entitled “Strengthening the international legal framework for international cooperation to prevent and combat illicit trafficking in wildlife”. In that resolution, the Commission invited Member States to provide the United Nations Office on Drugs and Crime (UNODC) with their views on possible responses, including the potential of an additional protocol to the United Nations Convention against Transnational Organized Crime, to address any gaps that may exist in the current international legal framework to prevent and combat illicit trafficking in wildlife, as well as with their experiences, good practices and challenges in terms of preventing and combating illicit trafficking in wildlife, and their national legislation in this sphere.

2. In the same resolution, the Commission invited Member States that are parties to the Organized Crime Convention to provide UNODC with information on the use of the Convention as an international legal instrument to address illicit trafficking in wildlife, taking into account relevant resolutions in that regard, inter alia, resolution 10/6 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. Also in its resolution 31/1, the Commission requested UNODC to compile a report on the information provided by Member States and submit it for the consideration of the Commission at its thirty-second session. In accordance with that request, a conference room paper, prepared on the basis of information submitted by Member States in response to a note verbale dated 1 February 2023, was submitted for the consideration of the Commission at its thirty-second session. The conference room paper¹ was further updated on the basis of the additional information submitted by Member States following notes verbales dated 30 June 2023 and 5 October 2023 and was submitted for the consideration of the Commission at its reconvened thirty-second session, in December 2023, and at its thirty-third session, in May 2024.

3. A total of 77 responses were received. By the initial deadline of 14 April 2023, responses had been received from the following 60 Member States and the European Union: Angola, Armenia, Austria, Belarus, Bolivia (Plurinational State of), Brazil, Burkina Faso, Burundi, Canada, China, Colombia, Côte d’Ivoire, Croatia, Czechia, Denmark, Finland, France, Gabon, Germany, Guatemala, Hungary, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Madagascar, Malawi, Malaysia, Mexico, Morocco, Myanmar, Netherlands (Kingdom of the), New Zealand, Nicaragua, Niger, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Tunisia, Türkiye, United Kingdom of Great Britain and Northern Ireland and United States of America. By the second, extended deadline of 15 August 2023, responses had been received from the following 13 Member States: Australia, Brunei Darussalam, Chile, Ethiopia, Israel, Lithuania, Maldives, Nigeria, Paraguay, Republic of Korea, Saint Lucia, Singapore and United Republic of Tanzania. By the third, extended deadline of 15 December 2023, further responses had been received from Albania, Jordan and Kuwait.

4. Legislation and relevant legislative provisions shared by the respondents were referenced in the conference room paper and will be uploaded in due course onto the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal.

5. The present report, prepared by the secretariat, provides a summary of the responses received from Member States and the European Union. The classification “not applicable” is used in the report to denote cases where no response was given to a particular question or where respondents indicated that no information or data were available. The classification “not classifiable” is used to denote cases where the answer of a respondent could not clearly be classified as either an affirmative or

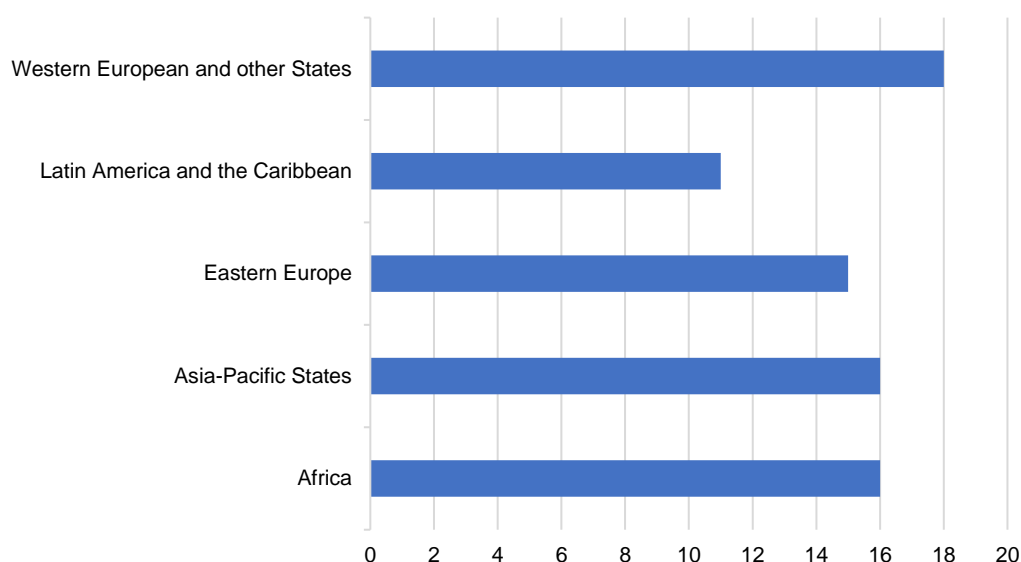
¹ E/CN.15/2023/CRP.12 and E/CN.15/2023/CRP.3.

negative answer or where contradictory answers were provided. In such cases, the secretariat made efforts to clarify.

II. Implementation of Commission on Crime Prevention and Criminal Justice resolution 31/1

6. The present report was produced on the basis of the contributions of 77 respondents that responded to the information-gathering tool sent to Member States through the notes verbales referred to above. All regions were represented, with 16 contributions from Africa, 16 from Asia and the Pacific, 15 from Eastern Europe, 11 from Latin America and the Caribbean and 18 from Western European and other States (see figure I).

Figure I
Number of responses from Member States, by region



A. Gaps in the current international legal framework to prevent and combat illicit trafficking in wildlife, and possible responses

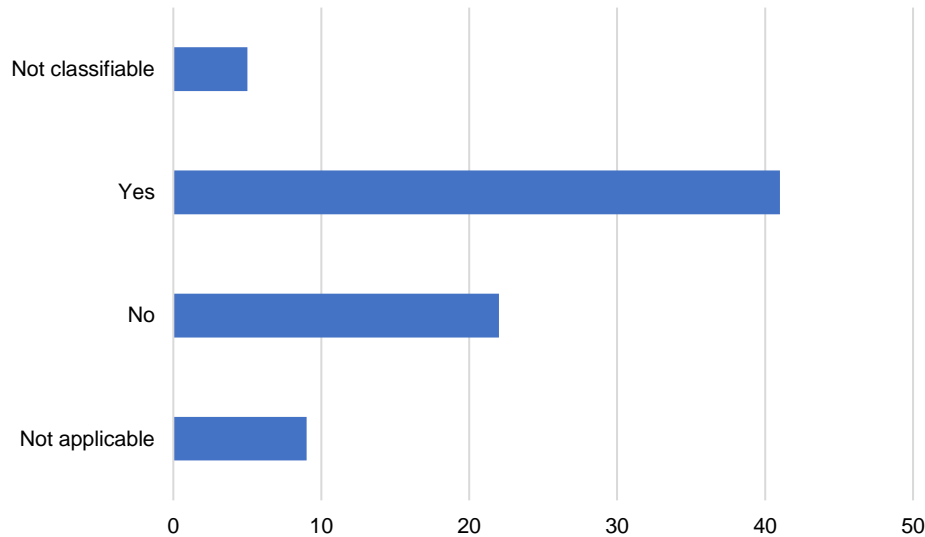
7. More than half of the respondents (41 respondents, or 53 per cent) considered that the current international legal framework to prevent and combat illicit trafficking in wildlife contained gaps (see figure II). About 29 per cent (22) of the respondents considered the current international legal framework to be sufficient, while 12 per cent (9) did not respond, and 6 per cent (5) provided responses that were not classifiable. Some respondents highlighted the absence of an international legal instrument focusing on the criminalization of illicit trafficking in wildlife, the gap in regulation related to species that are not endangered and/or domesticated, the need for better controls over wildlife trade and the need for increased international cooperation.

8. The respondents made reference to several international instruments relevant to preventing and combating illicit trafficking in wildlife, including the Organized Crime Convention, the United Nations Convention against Corruption, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals and the Convention on Biological Diversity. In addition, reference was made to several General Assembly resolutions. Many respondents also stated that the existing international legal instruments were underutilized and that their application was

inconsistent. Some respondents highlighted that implementation of the international legal framework should be improved and that the applicability of those instruments to new *modi operandi*, including the illegal online trade in endangered species, should be assessed. That would, in turn, help respondents in the development or amendment of national legislation on illicit trafficking in wildlife. Many respondents emphasized the lack of harmonization and the need to strengthen domestic legal frameworks, especially with regard to sanctions. Many respondents noted the need for effective law enforcement and judicial cooperation at both the international and national levels.

Figure II

Question 1: Do you see any gaps in the current international legal framework to prevent and combat illicit trafficking in wildlife?



9. The adoption of an additional protocol to the Organized Crime Convention or the adoption of another international agreement were mentioned as possible responses to fill the gaps in the current international legal framework to prevent and combat illicit trafficking in wildlife. More information can be found in paragraph 22 below.

10. Proposals to fill the gaps in the international legal framework made by the respondents include the criminalization of illicit trafficking in wildlife and the adoption of a definition of illicit trafficking in wildlife with the aim of harmonizing national approaches and increasing international cooperation. Some respondents mentioned that an assessment of the synergies between the existing international legal instruments could enhance their use and implementation, and others highlighted the need to develop additional technical assistance tools to assist States in reviewing, amending and adopting legislation to combat illicit trafficking in wildlife.

11. Moreover, the need for increased sharing of best practices in policy and legislation and their implementation, including intelligence exchange, was also emphasized. Many respondents also made the following proposals: enhanced capacity-building and training for law enforcement authorities and other relevant stakeholders; increased cooperation at both the national and international levels and the identification of new and enhanced tools for cooperation; the development of networks and platforms (including the establishment of databases) for exchanging information; the use of new monitoring technologies; the use of digitalized solutions; and increased public awareness and education. Partnerships between governmental and non-governmental organizations, academia and the private sector could also contribute to filling the gaps, according to some respondents.

B. Experiences and good practices of, and challenges faced by, Member States in preventing and combating illicit trafficking in wildlife

12. Some of the challenges identified by the respondents include: a lack of robust legal frameworks and the capacity to implement existing legal frameworks; penalties that do not act as a deterrent; a lack of or limited training opportunities for law enforcement authorities and other relevant stakeholders to deal with challenges posed by emerging trends; lengthy processes that have an impact on agencies' resources (e.g. with regard to mutual legal assistance); difficulties in dealing with emerging trends such as online trading and other cyber-enabled wildlife crime, making surveillance more difficult; poor or non-existent coordination between institutions that operate at the border (e.g. customs authorities and the police); difficulties in the management of seized or confiscated specimens because of limited funding; and limited public awareness of the impact of illicit trafficking in wildlife.

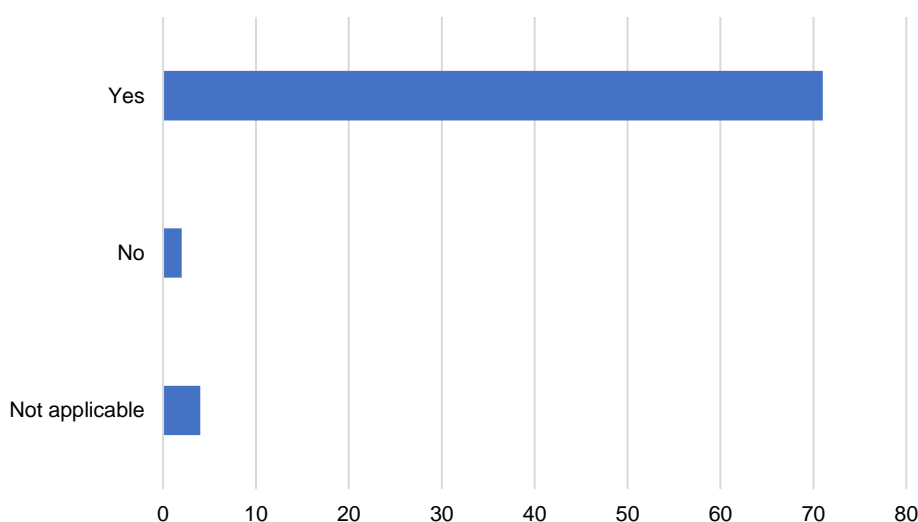
13. The respondents described some of the good practices adopted at the national level, including: legislative reforms; the issuance of permits, certificates and licences for the use, import and export of wild animals and species; the training of customs officers and other staff; the establishment of informal networks and collaborative engagements between national institutions, including regional associations; public awareness-raising and education programmes; the collection, harnessing and dissemination of relevant data from both national and international sources; the use of new technologies, including remote sensing; and the use of forensic techniques and other criminalistic methods and procedures.

C. Implementation of the Organized Crime Convention by Member States to prevent and combat illicit trafficking in wildlife

14. With regard to the implementation of the Organized Crime Convention to prevent and combat illicit trafficking in wildlife, 71 respondents (92 per cent) indicated that illicit trafficking in wildlife was criminalized in their country. Four respondents (5 per cent) did not provide an answer, and two respondents (3 per cent) noted that illicit trafficking in wildlife was not criminalized in their country (see figure III).

Figure III

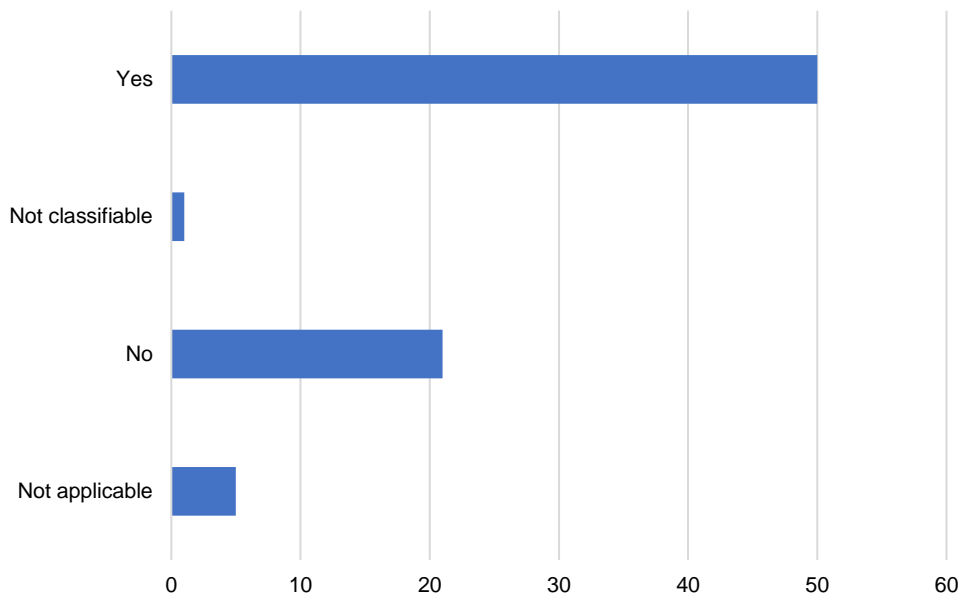
Question 6 (a): Is illicit trafficking in wildlife criminalized in your country?



15. Most respondents (50 respondents, or 65 per cent) reported that illicit trafficking in wildlife offences in their country constitutes a serious crime, as defined in article 2, paragraph (b), of the Convention. A total of 21 respondents (27 per cent) noted that it does not constitute a serious crime, while 5 respondents (6 per cent) did not answer, and 1 response was not classifiable (see figure IV). Article 2, paragraph (b), of the Convention defines a crime as serious when it is “punishable by a maximum deprivation of liberty of at least four years or a more serious penalty”. In its resolution 10/6, the Conference of the Parties to the Organized Crime Convention called upon States parties to the Convention to make crimes that affect the environment, in appropriate cases, serious crimes, in accordance with their national legislation, as defined in article 2, paragraph (b), of the Convention. Furthermore, in its resolution 75/311, entitled “Tackling illicit trafficking in wildlife”, the General Assembly called upon Member States to make illicit trafficking in protected species of wild fauna and flora a serious crime, in accordance with their national legislation and as defined in article 2, paragraph (b), of the Organized Crime Convention.

Figure IV

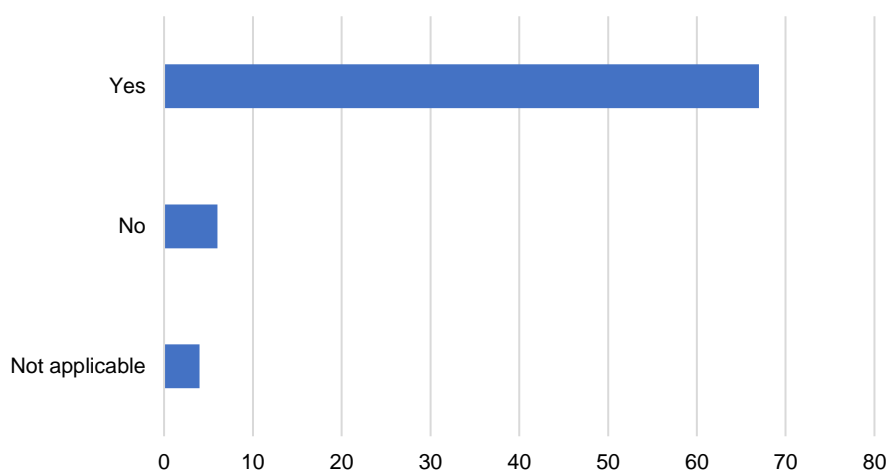
Question 6 (b): If yes, is the maximum penalty at least four years of imprisonment, in line with article 2, paragraph (b), of the Organized Crime Convention?



16. Most of the respondents (67 respondents, or 87 per cent) indicated that their country has mechanisms in place to hold a legal person liable for illicit trafficking in wildlife through criminal, administrative or civil liability. Only 6 respondents (8 per cent) noted that no mechanisms are in place to hold a legal person liable, and 4 respondents (5 per cent) did not provide an answer (see figure V).

Figure V

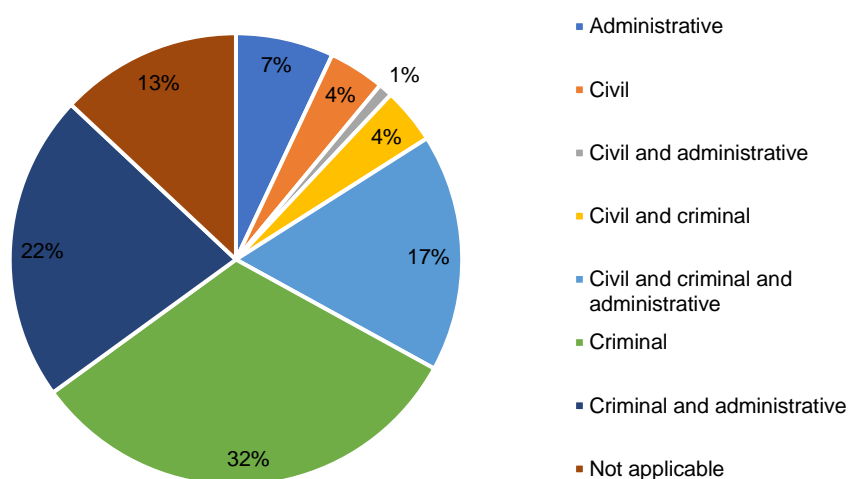
Question 7 (a): Can a legal person be held liable in relation to illicit trafficking in wildlife in your country?



17. The type of liability varies among the responding States (see figure VI below), with 25 respondents (32 per cent) taking a criminal approach to holding legal persons liable for illicit trafficking in wildlife. About 22 per cent (17) of the respondents use criminal and administrative sanctions, while 17 per cent (13) use civil, criminal and administrative sanctions. Five respondents (7 per cent) use administrative sanctions, 3 (4 per cent) use civil sanctions and 1 (1 per cent) use civil and administrative sanctions. No responses were received from 10 respondents (13 per cent).

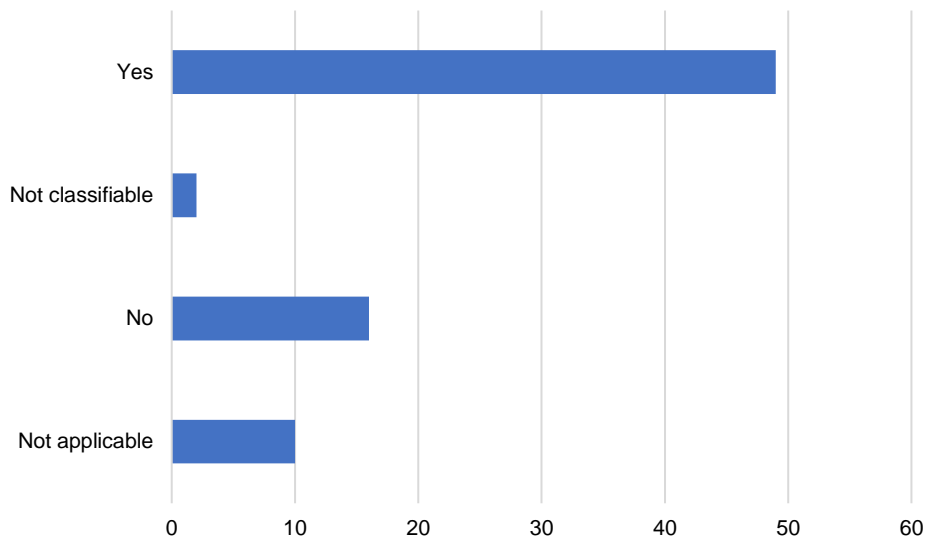
Figure VI

Question 7 (b): If yes, what type of approach does your country take to hold the legal persons liable in relation to illicit trafficking in wildlife?



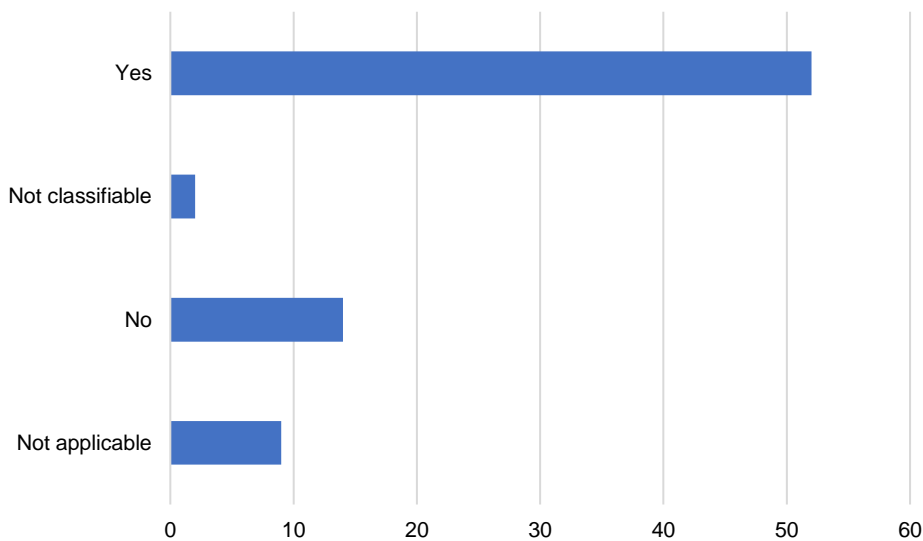
18. Most of the respondents (49 respondents, or 64 per cent) indicated that they used financial investigation techniques in preventing, investigating and prosecuting illicit trafficking in wildlife. About 21 per cent (16) of the respondents noted that they did not make use of such techniques within their jurisdiction. The rest of the respondents did not provide a response (13 per cent) (10), or their responses were not classifiable (3 per cent) (2) (see figure VII).

Figure VII
Question 8 (a): Does your country use financial investigation techniques in preventing, investigating, prosecuting and punishing illicit trafficking in wildlife?



19. Most of the respondents (52 respondents, or 67 per cent) reported that illicit trafficking in wildlife constitutes a predicate offence to money-laundering, as defined in the Organized Crime Convention and as mandated in its article 6. About 18 per cent of respondents (14) noted that illicit trafficking in wildlife does not constitute a predicate offence to money-laundering, while 12 per cent (9) did not respond, and 3 per cent of responses (2) were not classifiable (see figure VIII).

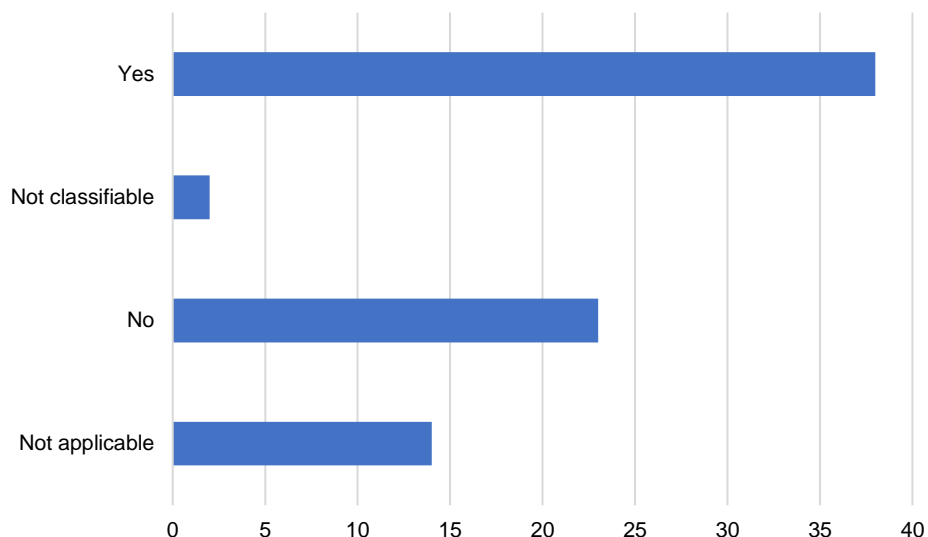
Figure VIII
Question 8 (b): Does your country treat illicit trafficking in wildlife as a predicate offence, as defined in the Organized Crime Convention and as mandated in its article 6, for the purposes of money-laundering offences?



20. With regard to the provision of assistance to and the protection of witnesses and victims, many respondents (49 per cent) (38) stated that they have taken measures to provide assistance to and protect witnesses and victims (see figure IX). The remaining respondents reported that such measures do not exist (30 per cent) (23), or no response was given (18 per cent) (14), with some responses being not classifiable (3 per cent) (2).

Figure IX

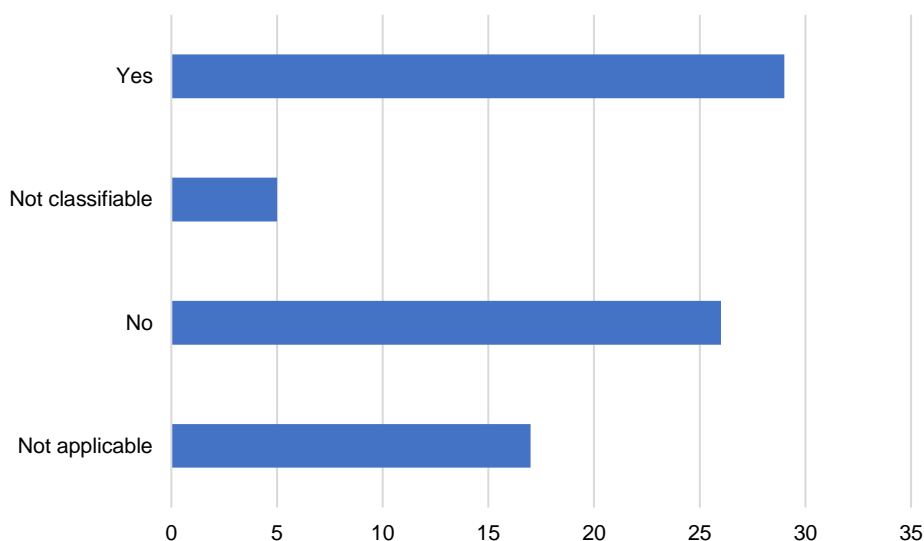
Question 9: In the context of illicit trafficking in wildlife, has your country taken measures to provide assistance to and protection for witnesses and for victims?



21. Many respondents (38 per cent) (29) indicated that corruption does facilitate illicit trafficking in wildlife in their country, while 26 respondents (34 per cent) noted the opposite (see figure X). No response was given by 22 per cent (17) of the respondents, while some 6 per cent of the responses (5 respondents) were not classifiable. Some respondents elaborated that they considered corruption to facilitate illicit trafficking in wildlife (e.g. corruption of defence and law enforcement authorities, corruption at the border points between countries and corruption in the criminal justice system). Moreover, some respondents mentioned that, in addition to corruption, illicit trafficking in wildlife is linked to other offences such as forgery, money-laundering and other financial crimes.

Figure X

Question 10: Does corruption facilitate illicit trafficking in wildlife involving your country?



D. Potential of an additional protocol to the Organized Crime Convention on illicit trafficking in wildlife

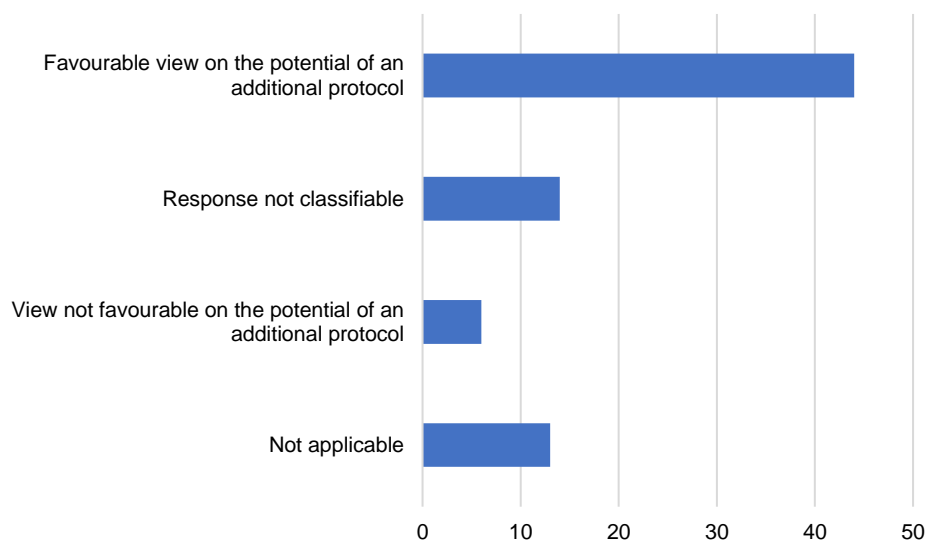
22. More than half of the respondents (44 respondents, or 56 per cent) had a positive view of the potential of an additional protocol to the Organized Crime Convention, which could, in their view, support States in strengthening capacities to prevent and combat illicit trafficking in wildlife, developing the appropriate legislation and improving international and national cooperation and coordination (see figure XI).

23. Some respondents considered the existing legal frameworks to be sufficient (8 per cent) (6), while others did not provide an answer or did not have a specific opinion on the matter (17 per cent) (13). In that context, some States stated that enhanced implementation and enforcement of existing legal instruments (such as the Organized Crime Convention and the Convention against Corruption) should be prioritized in relation to illicit trafficking in wildlife. Some respondents did not give a conclusive, classifiable response to the question (18 per cent) (14). Some respondents also sought further clarity as to the objective and content of such a protocol, with the aim of ensuring that any potential protocol would address significant gaps and avoid duplication of efforts with existing mechanisms. Indeed, many respondents expressed the need to assess the existing international legal framework, including the Organized Crime Convention, the Convention against Corruption and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, to identify synergies and possible loopholes and to improve its application, effectiveness and implementation, including for the purposes of international cooperation and to strengthen national capacity to detect, investigate, prosecute and adjudicate illicit trafficking in wildlife.

24. Many respondents (18) were also of the view that the scope of a possible additional protocol should be extended to include other crimes that affect the environment.

Figure XI

Question 3: What is your view on the potential of an additional protocol to the Organized Crime Convention on illicit trafficking in wildlife? Why?



E. Emerging trends in illicit trafficking in wildlife by organized criminal groups

25. With respect to emerging trends encountered in illicit trafficking in wildlife by organized criminal groups, the respondents noted, inter alia:

- (a) Use of the same routes for trafficking in drugs and wildlife; the addition of weapons and drugs to consignments containing illicit wildlife trophies;
- (b) Links between wildlife crime and cybercrime; online trade via the Internet; and the use of private or encrypted messaging apps and WhatsApp groups among trading groups; and use of the dark web and social media;
- (c) The prevalence of foreign-based, encrypted communication software used by the wildlife traffickers;
- (d) The rise in use of cryptocurrency, making it challenging to trace financial transactions;
- (e) The transformation of trafficked ivory into jewellery; and the smuggling of ivory by transit passengers;
- (f) Trafficking in various species, including glass eels, tiger parts and products, cheetahs, rhino horn, reptiles, protected birds (e.g. canaries), exotic animals (e.g. parrots, marmosets, servals and lynx), wild cactus and timber, corn snakes and insects, through postal packages;
- (g) Illicit trade in hunting trophies of endangered species (e.g. skin, crania and other body parts), since they are easier to conceal;
- (h) Use of authorized breeding centres or species rescue centres to conceal specimens obtained illegally from the natural environment, and the acquisition of legal permits in this regard;
- (i) Fraud (including document fraud), abuse of official authority and bribery.
