



The Illegal wildlife trade

A case study report on the illegal wildlife trade in the
United Kingdom, Norway, Colombia and Brazil

Work Package 4 “Case Studies”



This project has received funding from the European Union's Seventh Framework Programme for research, technological development and demonstration under grant agreement no 320276.

ACKNOWLEDGEMENT

The research leading to these results has been carried out as part of the 'European Union Action to Fight Environmental Crime' [EFFACE] research project (see www.efface.eu). EFFACE is a collaborative effort of 11 European universities and think tanks and is coordinated by the Ecologic Institute (www.ecologic.eu). The research has received funding from the European Union FP7 under grant agreement No 320276. We thank the EU staff who have supported this project and our colleagues for making this an enjoyable and worthwhile collaboration.

This research is indebted to the many UK agencies and agency staff we met with and interviewed along the way, so, a huge thanks to them for their time and patience during this process. It was a privilege to be allowed to enter into their world, to see and hear how dedicated they are to stopping the illegal wildlife trade, and to witness their passion, close-up, for the job they do. They are unsung heroes, often working above and beyond, and we wish them every success in their continued endeavours. We hope too that they are recognised for the important role they play.

We are further grateful to the Norwegian Animal Protection Fund for initial funding for the Norwegian case study, all interviewees in Norway for their willingness to contribute with information to the research, Experts and interviewees in Colombia and Brazil are also thanked for their true dedication to help the animals who are victimised due to trafficking and their efforts to prevent trafficking through hard work with little resources. Special thanks go to David Rodriguez Goyes for doing the interviews in South America and for providing other useful information.

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Manuscript completed in January 2015

This document is available online at: www.efface.eu

This document should be cited as: Sollund, R. and J. Maher (2015). The Illegal wildlife trade: A case study report on the illegal wildlife trade in the United Kingdom, Norway, Colombia and Brazil. A study compiled as part of the EFFACE project. Oslo & Whales: University of Oslo and University of South Whales.

ABSTRACT

The Illegal Wildlife Trade [IWT], commonly positioned alongside the illegal drugs and arms trade and human trafficking, is one of the fastest growing illegal markets worldwide. The clandestine character of the IWT trade, and weak controls and enforcement, make it difficult to measure the scale of the trade, though current estimates suggest it is worth between 6 and 20 billion dollars annually. Growing awareness of the widespread impacts of the IWT has led to increased international attention in recent years, evidenced by the role the United Nations, Interpol, Europol, EU and UK have played in bringing together global leaders and stakeholders to help eradicate the trade. Research suggests the IWT contributes to civil conflict, economic loss, poverty, climate change and negatively impacts on national security and stability, state authority and biodiversity and public health. In particular, the links between the IWT and organised crime and the demise of iconic species has stimulated current international debate.

This report provides an overview of a multi-method qualitative research project on the IWT in the UK, Norway, Colombia and Brazil. It identifies common and different features of the IWT in these four locations, exploring the various motivations for why people engage in the trade, the nature of the trade and types of victimisation. An overview of the response to the trade is discussed and evaluated through SWOT analysis – identifying strengths and weaknesses, and proposing suggestions for improvements. The literature review collates the salient issues addressed in relevant academic and official literature, providing a broader context for discussing the findings. The report focuses predominantly on terrestrial fauna.

Findings suggest the nature of the IWT in the UK and Norway is similar. Specifically, the type of animal victims, the cost of the trade and offender motivations are consistent. However, when the response to the trade is evaluated, variations appear. Each of the case study countries address the IWT through international convention treaties and domestic legislation and enforcement, though responses are complex and diverse and their effectiveness varies considerably. Central to these variations are levels of awareness of the serious negative consequences of the IWT, political and criminal justice system support and resources, and punishment. Additionally, the integrated role of NGOs in the enforcement process and in developing other responses in the UK contrasts starkly with the insufficient enforcement response evident in Norway, Colombia and Brazil. NGOs play an important role in the UK, Colombia and Brazil in creating awareness and preventing the trade, but are almost nonexistent as stakeholders in Norway. A common theme from interviews in the case study countries is the importance of key personnel working to prevent and respond to the trade. Experts and practitioners alike show us that an effective response is one that is intelligence led, systematic, integrated and synergistic; they cite the importance of cooperation between enforcement agencies and NGOs and the necessity for increased prioritisation of these crimes by criminal justice systems.

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LIST OF ABBREVIATIONS

AHVLA	Animal Health and Veterinary Laboratories Agency
BF	Border Forces (previously Customs)
CAWT	Coalition Against Wildlife Trafficking
CITES	Convention on international trade in endangered species of fauna and flora.
COTES	Control of Trade in Endangered Species
CPS	Crown Prosecution Service
EC	European <i>Commission</i>
EU	<i>European Union</i>
DEFRA	<i>Department for Environment, Food & Rural Affairs</i>
HMRC	<i>Her Majesty's Revenue and Customs</i>
IATA	<i>International Air Transport Association</i>
ICCWC	<i>International Consortium on Combating Wildlife Crime</i>
IFAW	<i>International Fund for Animal Welfare</i>
IWT	<i>Illegal Wildlife Trade</i>
JNCC	<i>Joint Nature Conservation Committee</i>
NCA	<i>National Crime Agency</i>
NGO	<i>Non-governmental organisation</i>
NOK	<i>Norwegian Kroner</i>
NWCU	<i>National Wildlife Crime Unit</i>
PAW UK	<i>Partnership Against Wildlife Crime UK</i>
RSPB	<i>Royal Society for the Protection of Birds</i>
RSPCA	<i>Royal Society for the Prevention of Cruelty to Animals</i>
UK	<i>United Kingdom</i>
UNODC	<i>United Nations</i>
USD	<i>United States Dollar</i>
WAP	<i>World Animal Protection (formerly WSPA)</i>
WCU	<i>Wildlife Crime Unit</i>
WWF	<i>World Wildlife Foundation</i>

Executive Summary

Background

The illegal wildlife trade is one of the fastest growing illicit trades worldwide. The European Union is a key destination for the trade, both as a point of transit and as a market for consumers. To a lesser degree, the EU is also a source for the IWT. A consequence of this, for example, is that some native bird and eel populations are in decline. The IWT is identified as a serious, transnational and organised crime, with far reaching consequences for the EU and individual member states and beyond. Specifically, the IWT endangers many species and eco-systems, causes instability and social unrest and facilitates other serious crimes worldwide. The IWT does not respect borders; the global nature of the trade makes it difficult to control and ensures there will be far-reaching consequences for humans and nonhumans.

Objectives and Scope

Through four qualitative case studies in locations representing source (Brazil and Columbia), transit (UK) and demand (UK and Norway) countries, the report provides an overview of the IWT – a significant environmental crime - in the EU. The report aims to provide an overview of the academic and official literature, also a comparison of the trade in the case study locations - specifically, it looks at how these inform the EU context in relation to:

1. harms and victimisation
2. offender motivations
3. responses

Case study data was collected by means of interviews with experts including NGOs, environmental authorities, and law enforcement agents. Offenders were also interviewed (Norway only) and observations and analysis of penal cases, verdicts and confiscation reports further supplemented this data.

Key Findings

This research suggests the scale and costs of the IWT are difficult to measure and the nature and harms of the trade are complex and varied. Financial gain and consumer demand for luxury/status goods appear to motivate much of the trade. However, motivations vary according to the type of offender (e.g. collector vs. criminal gang) and intended use (e.g. medicinal or beauty vs. ornamental). While far from perfect, the UK, through the establishment of specialist agencies, enforcement and close partnership between stakeholders, demonstrates some best-practice in responding to the IWT. Norway, in contrast, exhibits poor practice; here, government agencies and front-line enforcement officers often displayed limited understanding and awareness of the CITES convention and also the nature and consequences of the IWT, both in theory and practice. The IWT is also low priority, there

Overall, this research suggests the IWT is poorly prioritised and enforced, and leniently punished, a poor deterrent to would-be offenders. It might also be an attractive proposition to opportunists. Organised crime groups, for example, were described as using their existing transit routes (for drugs and other serious offences) to trade wildlife, adding it to their repertoire of offences. While there is some evidence of a link between organised crime groups (depending upon definition used) and a perception that there are direct links, more intelligence work is needed in order to clarify the extent of their involvement.

Further details on the strengths and weaknesses of existing responses to the IWT in each location, the opportunities that could be exploited to enhance the response and the threats that could hinder future responses are summarised in the SWOT Analysis below:

SWOT Analysis

*UK = United Kingdom, N = Norway, C=Colombia, B=Brazil

Strengths	Weaknesses
<ul style="list-style-type: none"> • Robust legislation at National and International level (UK*) • Effective partnership work between enforcement and non-enforcement agencies (UK) • Identification of IWT as a serious (and organised) crime (UK) • Effective partnership work and communication between international enforcement agencies (UK) • Specialist IWT enforcement agencies and officers (UK) • Specialist training on IWT for front-line staff (UK) • National IWT priorities developed from intelligence gathering (UK) • Expertise at Environmental Agency level (N) • Expertise on wildlife (UK, C, B, N) • Highly motivated to save wildlife (C,B) • Involvement of NGOs and environmental authorities (C, B) • NGO's central to response, providing intelligence, education, training and specialist advice and support (UK) 	<ul style="list-style-type: none"> • Incoherent and outdated domestic legislation (UK, N) • CITES is complicated and constantly changing – creating difficulties for enforcement and compliance (UK, N) • IWT not prioritised by enforcement or judiciary agencies (N) • Inconsistent application of sanctions, incongruence between lenient sanctions and the severity of the offence (UK, N) • Long delays in prosecution (UK, N) • Lack of specialist training at all levels of the CJS (UK, N) • Non-specialist IWT prosecutors or judiciary (UK, N) • Non-specialist enforcement agencies, prosecutors and officers (N) • Inconsistent coding in police or court files for all IWT offences (UK, N) • Limited resources (personnel and money) and poor facilities for enforcement officers to enforce CITES (UK, N) • Routine destruction of wildlife confiscated under CITES (N) • Limited facilities for the care of CITES wildlife (UK, N)
Opportunities	Threats
<ul style="list-style-type: none"> • Adoption of the ICCWC Wildlife and Forest Crime Analytical Toolkit (UK, N) • EU-Twix as a central communication tool between EU enforcement agencies (UK, N) • Additional opportunities through forums and conferences for enforcement and non-enforcement agencies to meet regards IWT – nationally and internationally (UK, N) • Revision of national and international legislation in line with current understanding of animal welfare requirements and with attention to the organised crime element of the IWT (UK, N) • Communicate 'Best Practice' – all EU member states learn from successful enforcement strategies and practices elsewhere (UK, N) • Training of other EU and non-EU enforcement agencies by UK specialist officers (to build partnership, increase detection, enforcement and prosecution) (N, C, B) • Opportunities for co-operation between all Stakeholders – in particular, NGOs, experts and enforcement agencies (UK, N) 	<ul style="list-style-type: none"> • Porous borders, facilitating free movement of IWT across EU member states (UK, N) • Political interest and efforts outward facing, rather than 'putting own house in order' (UK) • Failure of EU enforcement agencies to engage with EU-Twix (UK, N) • Failure of EU countries to establish common domestic policies and enforcement practices (UK, N) • Lack of continuity of expertise among enforcement agencies (UK, N) • Funding crisis – piecemeal funding causes uncertainty, reduces efficiency and effectiveness (UK) • Lack of priority in practice (N, UK, C, B) • Offence Displacement (N, UK, C, B) • Easy accessibility to wildlife (UK, C, B, N) • Diverse and growing cultural traditions for use of wildlife (UK, C, B) • Lack of resources to save wildlife (C, B, N) • High profit, low risk offences (UK, N, C, B) • Globalisation – expanding markets and marketplaces (including online) (UK, N, C, B)

Key Policy Implications

Despite growing international political will and promises to eradicate the IWT, the trafficking of wildlife is increasing, suggesting there are significant practical limitations in the response to these offences, our understanding of offender's motivations and how to dissuade such offenders. This section suggests ways in which the EU, generally, and UK and Norway (see UK and N below), specifically, can improve their response to the IWT.

Prioritising the IWT

Enhance Information and Intelligence

- Encourage all Member States to utilise the ICCWC Wildlife and Forest Crime Analytic Toolkit as a comprehensive resource with relevant tools and measurements to ensure a consistent and joined-up approach to responding to the IWT.
- Encourage Member States to develop a consistent and collective approach to monitoring the Internet for IWT
- Reduce the 'dark' figure of crime through the development of a more accurate measurement of the prevalence, nature and impact of IWT.
- [UK] Adopt relevant parts of the ICCWC Wildlife and Forest Crime Analytic Toolkit to conduct a comprehensive analysis of the strengths and weakness of the CJS and other responses to the IWT and an evaluation of the serious and organised nature of the trade.
- [UK] Enhance the development of 'intelligence' through data collection on and analysis of the IWT, with particular emphasis on organised crime and prolific offenders.
- [N] Make it possible to generate an overview of registered CITES offences by consistently coding CITES cases

Enhance Communication

- Develop further opportunities (e.g. Fora) for IWT experts and agencies to discuss the IWT response, to share expertise and intelligence and to facilitate multiple agendas (e.g. political, business, welfare, etc...).
- Further facilitate the co-operation between expert NGOs and enforcement agencies in Member States.

- Improve the communication strategy for informing Member States of key changes in CITES (and thus EU) regulations and policy, to enable effective dissemination to all key stakeholders.
- [UK] Continue to support and encourage partnership work between CJS agencies, NGOs and stakeholders (e.g. experts).
- [N] Increase cooperation between control agencies (police, customs, Food safety authority, Norwegian Environmental Agency) and NGOs.

Regulations

- Revise EU regulations and legislation relating to the IWT (e.g. EU1-2005).
- Encourage all Member States to review their domestic wildlife crime legislation in order to respond to the current IWT issues and to ensure EU policy/legislation is enacted in an appropriate and consistent manner by each member state.
- Update Council Regulation (EC) No 1/2005 in line with the enhanced welfare standards set out in the IATA LAR 2014/5 as part of CITES compliance.
- Further emphasise animal welfare in the CITES regulations, in recognition that the ‘goods’ trafficked are, or have been, sentient beings. Clarify the position of the EU in relation to the responsibilities toward confiscated live animals and require all Member States to report annually on the outcome for all confiscated animals (e.g. re-homed, returned to the wild, euthanized).
- [UK] Revise COTES and CEMA and consolidate all relevant wildlife crime legislation into one new Act to enhance consistency, compliance, enforcement and prosecution.
- [N] Speed up and effectuate the revision of CITES regulations

Enforcement, Prosecution and Sanctions

- Ensure all Member States implement and enforce the EU Wildlife Trade Regulations uniformly as failure to do so will place all Member States at risk.
- Require Member States to report transgressions of the IATA LAR by airlines to the Traces system (used for re-entry documents) to make transport companies accountable for their actions and to prevent future infringements.

- Require all Member States to train relevant enforcement and agency personnel to use EU-Twix and to engage regularly with the system.
- Encourage the use of UN troops to support wildlife rangers in source countries where war groups and organised crime groups are involved in poaching.
- Utilise the strategies and agencies already in place to respond to other serious organised crimes (e.g. Europol, Eurojust, EU Anti-money laundering directive) to enhance the identification, enforcement and prosecution of IWT cases.
- Allocate resources in each Member State to train dogs to detect wildlife at central airports/ports and borders.
- Provide specialist IWT training for all CJS agencies, to ensure IWT cases are identified, supported and prosecuted consistently and appropriately in all Member States.
- Enable transparency in IWT prosecutions and outcomes by requiring all Member States to complete a report on sentencing outcomes for IWT prosecutions.
- [UK] Provide specialist training and sentencing guidelines to the CPS and judiciary to enhance prosecution and punishment of IWT offenders.
- [UK] Conduct an audit of funding and resource management for the IWT, taking a proportional look at resources provided for other serious offences. Develop a strategy, in response to this, to ensure funding for specialist IWT agencies and personnel and to resource detection of IWT (e.g. with detection dogs in locations other than Heathrow).
- [UK] Create a specific wildlife crime code to enable transparency in enforcement and a more accurate measurement of police and prosecution cases.
- [N & UK] Introduce targets for CITES crimes for customs and police in line with targets for other serious crimes.
- [N] Ensure CITES cases are prioritized by the police and customs by investigating all cases.
- [N] CITES cases should consistently be brought to Court to state examples and create awareness rather than being settled with fines, as these are not deterrent.
- [N] The full potential of the existing laws and regulations should be applied rather than punishing these crimes as misdemeanours.
- [N] CITES cases should not only be left to environmental police officers in the different police districts because these officers are also responsible for environmental crimes in all respects, including work environmental crimes etc, leaving little resources to CITES.
- [N] Allocate funding to internet site surveillance for CITES transactions.

- [N] Increase focus on the freight companies where many CITES products most likely pass undetected.
- [N] Increase training of front line officers and investigators in customs and police about CITES, as well as in the Police University College and in customs basic education program.

Other Responses

- Identify successful strategies to reduce consumer demand across the EU for health and beauty products, luxury foods and pets linked to the IWT.
- Develop a strategy which will enable Member States to prevent and respond to the development of new markets for demand.
- Continue to support demand countries in their efforts to prevent the trade before it reaches our shores, through financial aid, training and education. Put measures in place to ensure financial support is used to respond to the IWT and to enhance the welfare of the local communities and wildlife involved in the trade.
- Enhance compliance through education and awareness campaigns (i.e. info at all airports, tourists' sites and involvement of stakeholders such as airlines and travel agents).
- Allocate funding to support research on the IWT, with a special focus on offenders and consumers motivations.
- [UK, N] Make a formal commitment to protect confiscated wildlife from euthanasia and to provide additional funding to ensure their welfare thereafter (e.g. rehoming in suitable accommodation, provision for short-term accommodation at key locations).
- [N] Establish a reception centre for seized animals to avoid euthanizing trafficked victims, for lack of rescue facilities.
- [N] Publicise information regards CITES at all travel points, (e.g. ferry harbours, airports etc.)

Conclusion

Practices involving IWT are widespread and multifarious in case study locations; UK, Norway, Colombia and Brazil. While focus has increased in UK lately, generally these crimes suffer from lack of awareness and poor law enforcement. Risk of detection is low and punishment is generally absent or too lenient to produce awareness or being deterrent neither on general nor on individual level. The

concluding recommendations are; harmonisation in regulations and enforcement practices in Member States; provision of IWT training for CJS agencies; commitment to the use of EU-Twix and application of existing tools such as ICCWC Wildlife and Forest Crime Analytic Toolkit, augmentation of animal welfare through, for example, update of Council Regulation (EC) No 1/2005 in line with the enhanced welfare standards set out in the IATA LAR 2014/5 as part of CITES compliance and further development of prevention and intervention responses; prioritization of CITES and application of the full punishment threshold provided in laws and regulations; creation of general awareness through information campaigns (e.g. at airports and travel points); allocation of funding to enhance surveillance of the internet marketplace.

1 Introduction

This case study provides a comparative analysis of the illegal wildlife trade [IWT] - one of the fastest growing illicit trades worldwide (Smith 2010; Stoett 2002) - in Norway and the UK, in addition to providing a picture of the situation in Colombia and Brazil. The IWT is facilitated by globalisation which has opened borders and expanded the marketplace. The World Wide Web plays a significant role as an intermediary between supply and demand (IFAW 2008, Interpol/IFAW 2013). For example, practices which involve the use of animals in food (such as pangolin as a delicacy for the affluent) and medicine (such as rhino horn and tiger and leopard powder) are widespread and these tendencies may increase due to globalization, including migration and travelling, as witnessed in the EU (Van Uhm 2014). The IWT is repeatedly positioned as one of the largest illegal trades worldwide among the illegal drugs, arms and human trafficking trade in regards to the economic values involved in the crime (e.g. Warchol 2007; Zimmerman 2003; South and Wyatt 2011; Wyatt 2013b; UNODC 2012). Due to the clandestine character of IWT, the weak controls and law enforcement, and inconsistencies in recording offences, the scale of the international IWT is difficult to measure. To place the IWT in context, the *legal* trade in wildlife has been estimated to be worth from 159-160 billion USD annually (Warchol 2007; Duffy cited in White, 2011:55; Schneider 2008). A recent Chatham House report (Lawson and Vines 2014: 9) places its worth at over *300 billion* USD per year. Annually, the *illegal* trade has been valued from 6 billion USD (Warchol 2007), to 10 billion USD (Schmidt 2004), and more recently, up to 20 billion USD (Alacs and Georges 2007, South and Wyatt 2011).

Growing evidence suggests the IWT also consequently erodes state authority, fuels civil conflict, threatens national stability and international security, and provokes substantial economic losses internationally (Lawson and Vines 2014; Wyatt 2013). The IWT also increases poverty and negatively impacts on food security, public health (e.g. zoonotic diseasesⁱ), climate change and biodiversity. As recognition of these widespread impacts increases, so too does international political attention and efforts to eradicate the IWT. However, unlike other serious organised crimes, the potential rewards of IWT, (Rhino horn, for example, is worth more than gold or cocaine) simply put, far outweigh the risk to offenders (as a result of low detection rates and lenient punishments) (Europol 2013; EC 2014:3).

According to Baille *et al.* (cited in Rivalan *et al.* 2007) the IWT threatens a third of the world's species, among the most critically endangered are iconic species such as rhinoceros and African elephants. During the last 40 years the Living Planet Index (LPI), which measures more than 10,000 representative populations of mammals, birds, reptiles, amphibians and fish, has identified a 52 per cent population decline (WWF 2014b). Although habitat loss likely accounts for much of this decline (for terrestrial species), hunting and poaching also constitute a serious threat for many species (WWF 2014b:21). Consequently, CITES (2014) currently lists roughly 5,600 animal species as threatened. The WWF (2014b and 2014c) suggest the scale of biodiversity loss could be as high as 100,000 species becoming extinct every year, which is 1,000-10,000 times the rate of natural extinction.

Growing concern over the loss of biodiversity (in particular the iconic species) and the widespread consequences of IWT has generated international political interest and responses. For example, in 2013, during the 16th meeting

of the Conference of the Parties (CoP16) to CITES a decision and resolution by consensus was made to, amongst other matters, treat wildlife crime as a serious crime and develop a response adopting techniques used to combat other serious crimes (CITES Secretariat 2013a). During this period the UN Commission on Crime Prevention and Criminal Justice's draft resolution encouraged Member States to treat IWT as a serious crime when organized crime groups were involved, and strongly encouraged them to take appropriate measures to prevent and combat this illicit trade (CITES Secretariat 2013b). In February 2014, the UK government brought together global leaders from over 40 nations who committed to five key actionsⁱⁱ to help eradicate IWT (Foreign and Commonwealth Office 2014). The EU also held a consultation and conference on Wildlife Crime and launched a major new initiative to protect biodiversity and fight wildlife crime (EC 2014). The frequently transnational and organized nature and widespread consequences of the IWT (borders have little relevance when it comes to the impact of IWT) has made it highly relevant to all EU Member States and has necessitated a more cohesive and collaborative response.

The purpose of this case study is to identify common and different features of the IWT in four locations, exploring the various motivations for why people engage in the trade, and establishing the type of victims and the nature of their victimisation. Furthermore; it aims to uncover the strengths and weaknesses in regulation, enforcement and punishment, with the intension of providing suggestions for improvements. These aims are achieved by means of a multi-method approach adopting qualitative research methods including interviews, observations and document analysis of police files, customs' confiscation reports and verdicts. This research approach is necessary as the study is exploratory in nature and there is a detriment of available empirical data in each of the said locations. The case study is particularly relevant to the EU context as the EU is recognised as a major consumer and transit point for the IWT (sourced from Africa, Asia and South America and from EU Member States). For example, between 2001 and 2010 the EU-TWIX database recorded more than 50,000 confiscations of products destined for the Traditional Chinese Medicine (TCM) market; including big cat, musk deer, bear, saiga antelope, pangolin and rhino (Van Uhm 2014). This case study provides a comparison of four locations, each of which provides a different perspective on IWT: the UK, representing the EU, while predominantly a receiver and transit country, also plays a minor role in the supply of raptors and bird eggs; Norway, as a EEA member on the outskirts of Europe, is predominantly a receiver country but also plays a role as supplier of predator birds/egg; and Colombia and Brazil, falling outside European borders and rich in biodiversity, are mainly source countries (often supplying internal and neighbouring consumer countries, but also the US and Europe with wildlife (Renctas 2001). The specific characteristics of these localities provide an excellent opportunity to provide a cross-cultural evaluation of the different contexts and impacts on the IWT, for example, while reptile ownership is a key growth market in the UK pet trade, reptiles are banned in Norway, yet estimates show there are up to 120,000 reptiles illegally kept there (Sunde 2010). Similarly, the cross-cultural focus of this case study facilitates the identification and evaluation of the different responses to the IWT. For example, while each case study country is party to the CITES convention, there are other key international directives and regulations which impact on individual localities (e.g. EU Wildlife Trade Regulations for the UK and Customs laws regulating importation of goods in Norway) in addition to the many other related pieces of domestic legislation (including Animal Welfare in each case study location), which are used in the response to IWT in each country.

The term wildlife usually includes both flora and fauna, but in the present case study focus is on fauna, whether trafficked alive or transformed into products. Importantly, animals, as sentient beings, demand focused consideration due to the substantial harm they suffer. It is important to acknowledge, that for the animals, whether trafficked legally or illegally, the consequences are the same; suffering and trauma, often resulting in captivity or death (Sollund 2011). This case study takes a criminological approach to researching the IWT, in that it focuses specifically on the types of harms, motivations for these harms, and the strengths and weaknesses of the regulation and enforcement of the trade. *Harm* is a central concept in the case study, both harm to humans and animals. The underlying values are thus consistent with those prevalent in green criminology, such as ecological justice, species justice and environmental justice (White 2013; White and Heckenberg 2014). The concept of harm used in the report is understood conceptually as it is described in the EFFACE analytical framework, as an act that harms the environment, but is not illegal, and as harm which is also illegal, endangers the environment and is punishable. By environment we include the animals' interests in continuing their lives undisturbed and acknowledge ecological and species interests (see Analytical Framework p. 19, White 2013).

The following section provides an overview of the literature identifying the main developments, theoretical arguments and empirical data available on the IWT. A description of the methodology is then provided, which clearly outlines the research approach taken in the case study by detailing the strategy, design, methods, sample and sampling technique, analysis and ethical considerations. The fourth section provides the key findings from the combined case study locations, with a particular focus on the key stakeholders, impacts and victimisation, SWOT analysis and an evaluation of the approach to regulating, enforcing and punishing IWT offences by criminal justice agencies and NGOs. It is not possible within this (fourth) section to provide a detailed analysis of each case study location; instead, the key findings are discussed using comparison between locations and specific examples from each location, where relevant. The report then concludes by identifying the key challenges in responding to the IWT, with suggestions for making the responses more effective in the case study locations and the EU as a whole.

2 Literature Review

2.1 Body of Knowledge

A growing body of interdisciplinary scientific literature investigating IWT as well as legal wildlife trade exists. In what follows, a brief overview of the literature is provided, prior to a concise summary of the key findings from the literature, with a particular focus on the key issues raised in the case study as specified in the EFFACE Analytical Framework and DoW. According to the EC (2014) estimates, the number of African elephants illegally killed has doubled over the last decade, and the quantity of ivory seized has tripled. The illegal killing of rhinoceros has escalated sharply in South Africa, with over 1,000 animals killed in 2013, compared to 13 in 2007. In total, since 2010, about 80% (2500) of the whole population of South African rhinoceroses have been killed (EC 2014). The tiger population has decreased from 100,000 a century ago to less than 3500 today; there are now more (an estimated 5,000) tigers in captivity in the US (WWF 2014a). Poaching accounts for 78% of the

deaths of Sumatran tigers. More recently, the Criminological focus on IWT has given rise to numerous studies concentrating on the ivory trade (Warchol et al. 2003; Lemieux et al. 2009), the parrot trade (Pires and Clark 2011; Pires and Moreto 2011; Sollund 2011) and IWT more generally (Schneider 2009; Wyatt 2013b); including the trafficking in and to specific geographic locations (Wyatt 2009, 2011; Herbig 2010; Sollund 2011, 2013). Reports produced by NGOs such as TRAFFIC and EASRE (2008), IFAW (2008), WWF (2014a) and WAP (2014) provide the most substantial and, often the most current, evidence on the patterns, trends and nature of the IWT (Burgess et al. 2014). These NGOs play a central role in responding to the IWT through “policing” (albeit without police enforcement powers), educating, and campaigning on this issue. International and national (in the case of the UK) government agencies, such as UN, INTERPOL/EUROPOL, the EU and Home Office have contributed to the literature with key reports establishing both international and local perspectives on the scale, nature and impacts of IWT.

The literature provides insights both into the motivations and impact of the IWT. For example: biologists have studied the impact the trade in parrots (Weston and Menon 2009; Gonzales 2003; Herrera and Hennessey 2007; Eniang et al. 2009; Metz 2007; Guzman et al. 2007; du Plessis 2000) and reptiles (e.g. Ellis 2005; Santana 2008) have had on their natural environments. The use of reptiles for medicinal purposes and food, for example in Brazil (Alves et al. 2008) and in Southwest China (Zghang et al. 2008) and for the pet trade (e.g. Herbig 2010; Sollund 2013; Engler and Jones 2007) is depleting ecosystems. The worldwide reptile trade demands the supply of millions of individuals every year. A substantial number die during capture, transportation and thereafter in captivity, due to lack of proper care and nutrition (RSPCA n.d.). The parrot trade alone threatens a large number of species, as in the case of the illegal reptile trade, up to 90% of the birds die before they reach their destination (Guzman et al. 2007). The European Food Safety Authority confirmed in 2006 that over 70% of wild caught birds died during capture and transportation to the EU. As emphasized by Warchol et al. (2003:8), the crude and harsh methods by which animals are trafficked reportedly cause up to 90 % loss of life for reptiles and rare birds.

2.2 Causes, Motivations and Incentives

The literature persuasively argues that the escalation in the collection and killing of wildlife is influenced by market forces and thus motivated largely by the potential for substantial economic gain; the resale value of rhino horn is estimated at around €40,000/kilo (comparatively gold is approximately €31,000/kilo), tiger bones sell for up to € 900/kilo, while raw ivory prices reach € 620/kilo (EC 2014:2). Even with substantial death rates of live individuals, the pet trade remains lucrative. As is the case with drug traffickers, animal traffickers can sustain loss of ‘goods’ because of the substantial revenue which can be made from (even single) transactions - a pair of rare parrots can be sold in the EU for €50,000 (Van Uhm 2014). Wildlife labelled as ‘endangered’ increases in value and intensifies demand, strengthening the motivation to offend. Studies regarding tiger and rhinoceros derivatives have been done which have established traditional medicine and even newer beliefs about animals (or their parts) having healing properties play an important role in the growth of the IWT (e.g. Ellis 2005; Minnaar 2013; Warchol et al. 2003). This is also the case in the use of bear bile (Burgess et al. 2014). The attention given to these ‘iconic’ species can suggest these are the most prolifically killed and trafficked animals. However, the species most frequently seized in the EU are birds and reptiles (Van Uhm in press).

Despite the substantial loss of animal life and widespread species and eco-system decline, it is important to underline that the majority of wildlife trade is taking place in *compliance* with laws and regulations. The legal and illegal trade in wildlife share motives and incentives; the animals which are used in the illegal trade are also trafficked for the same purposes for the legal trade, i.e. the pet trade and the trophy trade, and for medicinal purposes.

A total ban on trade is not necessarily the solution. The literature suggests such bans can have unexpected and unacceptable consequences. Rivalan et al. (2007) reveals that the period between the announcement and effectuation of a species ban (the move from CITES II to CITES I appendix) is important; notably, this period sees an increase in trafficking which may exacerbate species decline, (e.g. rhinoceros). Bans can increase collectors' interest in a species, thereby increasing its value and the incentive to offend (Low 2003 in Sollund 2011: 445). Lemieux and Clark (2009), Guzman et al. (2007) and Moyle (2003) also suggest that an international ban may serve to increase the domestic trade of a species; a consequence equally harmful to the survival of the species. Guzman et al.'s (2007) study of the parrot trade in Mexico, for example, establishes that bans will reduce the transnational WLT, but not the poaching for local markets guided by cultural practices and traditions, a finding which is relevant for the studies in Brazil and Colombia. Additionally, while bans may have an immediate positive impact – such as the ban on ivory which when first introduced in 1989 entailed a rise in elephant populations – it is not effective long-term due to changing economic, social and cultural circumstances (Lemieux and Clarke 2009). The strongest argument against the regulation of the WLT rather than a ban is that regulation provides an array of possibilities for fraud and corruption (see next sections) and legitimates the abuse and killing of sentient beings at an enormous scale.

The literature suggests the causes of IWT are complicated and many – extending beyond financial gain. Cultural practices of hunting, eating or using animals may be motivated by religion, traditions, entertainment or fashion (see Cowdry 2002) – thereby differentiating the motivation of and incentives for offenders. While there is no recognised criminal profile of an IWT offender, evidence suggests those motivated to engage in this trade range from poor hunters and villagers to legitimate businesses, crime groups, general consumers and corrupt officials, each motivated by a variety of factors (Wyatt 2013b). What is clear is that much of the trade is characterised by a luxury orientation.

2.3 Organised Crime and the IWT

The involvement of organized crime groups in IWT is a concern for Interpol, Europol and the UN, as well as for the EU. According to Europol (2011) analysis the EU IWT is organized by crime groups within the EU. Evidently, not all forms of IWT are controlled by organised crime groups and most trafficking offences are committed by individuals (e.g. carrying wildlife in their luggage or on their bodies or as a result of noncompliance). Nonetheless, the involvement of organized crime groups is noteworthy, and has brought about international resolutions (by UNODC and CITES) to treat IWT as serious organized crime.

Levi and Maguire (2004) argue organized crime is a notoriously difficult concept to define. The literature suggests approaches to definition vary. Yet claims are made in several literature sources that IWT is linked to organized crime (Wyatt 2011, 2013; South and Wyatt 2011; Wilson-Wilde 2010; Alacs and George 2008;

Warchol et al. 2003; Lowther et al. 2002; Zimmerman 2003; Schneider 2012; Renctas 2001) but often without an explanation of what ‘organized crime’ is. The UN Convention against Transnational Organized Crime (Article 2a) defines organized crime as (UNODC 2015):

- A group of three or more persons that was not randomly formed;
- Existing for a period of time;
- Acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration;
- In order to obtain, directly or indirectly, a financial or other material benefit.

However, to distinguish these groups from the many others containing three or more people and working in concert for an extended period, the UNODC (2015) website also states: “*the true defining characteristics of organized crime groups under the Convention are their profit-driven nature and the seriousness of the offences they commit*” - which is consistent with our understanding of the IWT. In paragraph §60 of the Norwegian Penal Law (Lovdata n.d.), punishment may be doubled if a crime, punishable by more than three years, is committed as part of an organized crime, defined as conspiracy among three persons or more. Norwegian state prosecutors do however take this definition quite literally, and as will be shown (see chapter 4) this has included organized crime charges for wildlife trafficking and wildlife offences (Sollund in press). In contrast, there is no legal definition of organized crime or criminal organisation in the UK (existing criminal laws are used to prosecute). For the purpose of the *Serious and Organized Crime Strategy (Home Office 2013 S2.3, 14)*, *organised crime* is “serious crime planned, coordinated and conducted by people working together on a continuing basis. Their motivation is often, but not always, financial gain”.

Organized crime is defined somewhat differently in academic literature. Schneider’s (2012:52) narrower definition involves more than two people committing crime over time with the capacity to operate outside their countries boundaries. Wyatt (2013 b), argues that the IWT market is not necessarily consistent with official understanding of organized crime and groups (Paoli and Fijnaut 2006 in Wyatt 2013: 90), instead suggesting the following definition in relation to IWT: Organized crime “*is violent, long-lasting, structured, rationale, and adaptive, with networks to legitimate and illegitimate industries*”.

Schneider (2012) indicates further research is necessary to understand the connection between organized crime and IWT. Nonetheless, she suggests the following is evident: the bird trade is linked to Asian, European and Latin American groups; the ivory and rhino horn trade involves Asian and African groups; the trade in reptiles and insects is associated with Asian and European groups; tigers and tiger parts are the domain of Asian and Chinese triads; while wild game has been linked to Asian, Chinese triads as well as African groups (2012:57). In 2011 the last Vietnamese rhino was found dead with its horn removed. Miliken and Shaw (2012:29) have identified organized syndicates involved in pseudo trophy hunts in South Africa trafficking Rhino horn to Asia (Miliken and Shaw 2012, 61-62). Organized groups involved in the IWT are reportedly well resourced (e.g. heavily armed and mobile with the necessary resources to carry out bribery and complicated trafficking operations) and able to fight rangers protecting the wildlife (Wyatt 2013b; Schneider 2012). According to Wyatt (2011, 2013) the falcon trade in Russia is not only connected to organized crime groups - who can sell a single falcon for up to 100,000 USD – but also to terrorism: revenue from this IWT is used to purchase weapons and support training camps for terrorists. Evidence also suggests that rebel groups (e.g. in Sudan) kill elephants in order to finance weapons

through the sale of ivory (Warchol et al. 2003). Asia Pacific is responsible for a quarter of the world's IWT (Lin 2005: 201). Elliot (2007:499) suggests environmental crime here, including IWT, "generates the kinds of 'pernicious effects...on regional stability and development, [and] the maintenance of the rule of law and the welfare of the region's people' that the ASEAN Declaration on Transnational Crime identified as matters of serious concern". Organized crime groups in Colombia and Mexico also corrupt law and order, which, indirectly, leads to social insecurity (Wyatt 2013b; see also Schneider 2012).

Studies into the IWT also identify a connection to the drugs trade (Warchol et al. 2003; Zimmerman 2003; South and Wyatt 2009:555), crime groups move between markets and trade in whatever "goods" are available and profitable. Schneider (2012:54) argues that "pound for pound, exotic, endangered birds are worth more to smugglers than cocaine". Zimmerman (2003) claims that IWT is in the hands of organized crime groups who use the same routes for trafficking drugs and wildlife. Wildlife has a variety of uses: dead animals conceal drugs, live animals act as drug carriers, and both are used to barter for narcotics and launder drug money (Zimmermann 2003: 16; South and Wyatt 2009: 555). In 2001, The Brazilian National Network Against the Trafficking of Wild Animals identified between 350 and 400 animal smuggling gangs, of which 40% were known to be involved in other illegal activities, such as drug trafficking, and trafficking in precious stones. Furthermore, the report acknowledges that several animal (snakes, turtles, tropical fish and parrots) have been used to conceal drugs, in some cases causing their death (Renctas 2001:51-53). There is, however, an important difference between the drugs trade and the IWT: the drugs trafficked (with some exceptions) are illegal, while there is no parallel legal trade. In contrast, the legal wildlife trade offers greater possibilities for committing offences, laundering profits and circumventing regulations (Warchol et al. 2003; Wyatt 2009). While there is a strong support for the presence of organised crime syndicates in some forms of IWT, it is evident that even when these crime groups are not controlling the trade, it remains highly organised (Sun and Sheikh 2009).

2.4 Response

Parties to the CITES convention are required to monitor and regulate the trade in more than 35,000 wild species, through the adoption of domestic legislation which implements CITES at a national level (CITES Secretariat n.d.). CITES has been signed by 180 parties, including the case study countries; Norway and the UK in 1976, Colombia in 1981, and Brazil in 1975. CITES is implemented both at a national level in the UK and Norway, but also at the EU level through a set of regulations. While mostly following CITES, these include alterations aimed at a more robust responseⁱⁱⁱ (EC 2010): the three CITES appendices are divided among four Annexes in the EU regulations. Annexes A, B and C largely correspond to Appendix I, II and III of CITES, but also contain some non-CITES-listed protected species. Annex D includes monitored species. Reeve (2002) indicates that a study by the environmental resources management in 1973 found 75% of parties viewed CITES as effective in deterring the IWT. However, as there is no empirical assessment of CITES or the EU regulations, there is no current evaluation of its effectiveness. Reeve (2002) provides a comprehensive analysis of CITES compliance and argues that although CITES is a flagship wildlife agreement, it is compromised by being a self-policed system with no global enforcement agency to oversee compliance. She suggests the key risks to CITES are the dissolution of borders (as this makes the permit system irrelevant) and chronic underfunding.

While most trade in endangered species is *regulated* under CITES (alongside other conventions), trade is only banned for critically endangered species, there are many species that are neither listed, nor protected, within these conventions (Reeve 2002). The deficiencies of CITES as protection for threatened wildlife has, therefore, been subject to debate (Kievit 2000; Reeve 2002; Sollund 2011). The presence of a legal market motivates IWT as it hides, facilitates, legitimises and encourages the trade in wildlife (Sollund 2011). This is clearly demonstrated by Warchol et al.'s (2003) study, which found that trafficking in birds involved various forms of fraud, including forging CITES certificates/permits, under-reporting numbers, selling wild caught birds as locally bred, dyeing of feathers and smuggling of birds in cylinders and sending them as air freight, in addition to bribery of officials. Further evidence of identification of forged CITES import and export certificates, wild-caught animals laundered as captive-bred, corruption among those responsible for regulating the trade and documentation of failure in reducing demand in ivory as expected from the sale of ivory stockpiles, are found in (Sheperd et al.2012; Warchol et al. 2003, UNODC 2012; Wyatt 2009; Van Uhm in press).

The problems associated with responding to the IWT – poor enforcement and conviction rates, lenient punishment when convicted, low prioritization and political will - are well documented in the literature, in particular by NGOs and some academic studies. These problems are increasingly being recognized by international and government agencies. According to Executive Director of the UNODC, Yury Fedotov: “In many cases, inadequate laws and sanctions, under-resourced and weak capacities in law enforcement and lack of coordination between competent authorities are being exploited by criminal networks” (2013, np). Both the secretary general of CITES and Fedotov argued for harsher prosecution and punishment especially for organized criminal networks taking advantage of the low risks and high profits (CITES 2013b). With regards to the UK, (often cited for best practice), Lowther et al. (2002:3) conclude that the effectiveness of law enforcement is compromised by the low penalties (received in most cases). These penalties are derived from laws which, in theory and in practice, do not provide appropriate deterrence. The literature highlights political, public and judicial attitudes require harmonization, especially with reference to prioritising IWT and identifying adequate responses. The move, aforementioned, to prioritise the IWT as a serious crime enhances the response, not least because the term ‘organized crime’ is punished more severely and begets a more robust enforcement approach. For example, officers of The UK National Crime Agency, whose focus is serious organised crime, often hold the combined powers of a police constable, immigration officer and customs officer, arming them to arrest, search, seize, acquire information and recover criminal assets. In recent years, the capabilities of UK wildlife crime agencies have been enhanced through their close work with the NCA. Constructing the IWT as an organised crime may also cause a decline in overall offences as increased trade and consumer awareness brings about enhanced compliance and a reduction in consumption.

2.5 Theory

Criminological IWT literature adopts conventional criminological approaches to provide theoretical explains for the IWT and possible responses to it (Wellsmith 2010, 2011; Hill in press; Lemieux 2014; Pires and Clark 2011;

Pires and Moreto 2011; Schneider 2012). The IWT presents a 'suitable target' in terms of Cohen & Felson's (1979) routine activities theory, in that the significant financial rewards and the absence of strong enforcement and punishment (see also Section 4) motivate the offender to carry out the offence. This perspective is useful as it points not only to the motivation of the offender, but also to other 'essential' causal factors, such as situational characteristics and approaches (e.g. law enforcement). This approach is successfully adopted by Pires and Clarke (2011) to explain parrot poaching in Mexico. Sykes and Matza's (1957) techniques of neutralisation, which explains that offenders neutralize their harmful activities to enable them to commit unacceptable acts, has been used to explain both violence towards humans and other species (McMullan and Perrier 1997; Eliason 2003, Sollund 2012). The neutralisation process is assisted by social mechanisms and phenomena such as social distance and social nearness (Bauman 1989, Cohen 2001, Sollund 2008) and involves four steps, two of which are 'denial of injury' and 'denial of the victim'. These particular concepts are useful in explaining the harms committed in the IWT, as this offence is often perceived to be a victimless crime (Sollund 2008). As previously indicated, this case study also applies green criminology perspectives in the analysis and assessment of WLT, incorporating perspectives of justice; eco-justice and species justice, as well as concepts of rights, such as environmental and ecorights (White 2013). These perspectives acknowledge that wildlife trafficking causes harm irrespective of its (temporary) legality; i.e. the period that passes before trade in a species entails it being moved from CITES II to CITES I. The direct victims – the animals– either end up suffering in captivity or die either way.

3 Description of the Methodology

The IWT case study is a combination of four smaller case studies conducted in two European countries, Norway and the UK, and two South American countries, Brazil and Columbia (Figure 1.0). The research was designed to collect data from a variety of sources in order to evaluate the nature, impact and motivations for the IWT, and the current response to the trade. The research questions were:

1. What motivates people to engage in IWT (e.g. supply, distribution & purchase)?
2. What are the consequences for victims?
3. How well are these harms/crimes controlled and prevented?
4. What are the consequences in terms of enforcement and control – nationally and internationally?

To explore these questions, a multi-site, multi-method qualitative case study design was adopted. The research methods included:

- Conducting a systematic literature review of the available field studies, articles and monographs on the subject published in different academic disciplines and agencies.
- Primary data collection – semi-structured interviews and direct observation
- Secondary data collection – documentary analysis of confiscations reports, verdicts and penal cases.
- Collection of further supporting information – newspaper articles and online accounts of offences

A purposive and snowball sample of experts from key organisations involved in overlooking, controlling, regulating, preventing and responding to the IWT, as well as in saving wildlife was achieved in each location, though not all expert groups were represented in each country. A purposive sample of reptile trade offenders was also located in Norway. What follows is a more detailed account and evaluation of the design, method, sample and ethics.

Figure 1.0: World Map delineating Case Study locations



3.1 Design and Approach

A qualitative approach formed the structure of enquiry adopted. Qualitative research is an interdisciplinary field involving an interpretative, naturalistic approach to its subject matter, in addition to creativity and insight in the analysis, interpretation and presentation of findings. This approach was required to research the complex phenomenon of the IWT and to meet the aforementioned project objectives. The design facilitates both a descriptive and theoretical account of the IWT, which can be extrapolated to the broader EU context.

3.2 Method

Semi-structured interviews in each location, involved a combination of face-to-face and telephone/SKYPE interviews, with single participants and groups. Face-to-face expert interviews were conducted both on agency premises and in public locations (e.g. a quiet cafe, conference facility). Offender interviews were conducted in public area convenient for the participant. Both interviews and observations were conducted in key IWT enforcement locations (e.g. airports) to allow observation of the work procedures among control agencies. This flexible approach was necessary to accommodate expert participant’s busy schedules, limited availability and complicated roles. While each interview followed a general guide which thematically covered the key research questions, interviewees were also encouraged to raise further issues which were important to understanding their experiences of and attitudes toward the IWT. Interviews lasted between 1-2 hours. Where agreed, they were recorded and thereafter, transcribed. Analysis involved QSR NVIVO software and a grounded theory approach (Silverman 2001). Grounded theory - “a systematic set of procedures to develop an inductively derived grounded

theory about a phenomenon” (Glaser and Strauss 1967:24) – was used in line with the design and approach identified, to ensure the data answered the set project objectives.

Documentary analysis of the Norwegian confiscation reports, confiscation statistics, verdicts and prosecution files was conducted on 42 Customs confiscation reports which were confirmed as CITES cases – in addition to 7 CITES verdicts (i.e. CITES was used as an argument and relevant legislation applied), or as involving CITES species. When possible, cases were traced throughout the judicial system to evaluate how they were prioritized by state prosecutors, and to identify how they were processed, (e.g. terminated with an Out of Court fine or brought to trial). Where possible, analysis also documented the type of punishment received. The penal cases and confiscation reports made it possible to further explore offenders motivations. Norwegian and South American interviews were further supplemented with statistics (when accessible) and newspaper articles and reports – which also involved documentary analysis. One aim was to explore how these issues were dealt with in the mass media, and consequently the ways in which these crimes are constructed at different local stages (with particular focus on criminal justice agencies). Finally, documentary analysis was used to evaluate UK media reports and a record received from a UK NGO detailing all CITES offences prosecuted in the past 8 years. Analysis focused on the types of offences and punishment received and, where possible, offenders motivations.

Direct observation was conducted in the UK, Colombia, Brazil and Norway (at Oslo airport) at key agencies responsible for responding to the IWT (e.g. Airport and Port Customs). In the UK, unstructured overt observations were carried out at four sites, where the researcher was provided with access to restricted areas over a period of 1-2 days in each location in order to observe the processes involved in responding to the IWT and to discuss these responses with key agents. In Brazil and Colombia interviews and observation were carried out at wildlife reception centers and with NGOS engaged in wildlife trafficking, which facilitated a close inspection of the consequences of the trade for the direct victims, as well as insight into the modus operandi of the traffickers. This process involved taking field notes, engaging in conversations and analysing the data.

3.3 Sample

Both a purposive and snowballing sampling technique was required to identify professionals who possessed both first-hand experience of and knowledge on the IWT. Sampling involved identifying key organisations and individuals involved in regulating and responding to the IWT and asking interviewees to suggest relevant agencies and individuals for further research. Participants were identified and approached through gatekeepers and at key national/international events (e.g. UK National Wildlife Crime Conference). Offenders were also identified and approached using these sampling techniques. Although gatekeepers were used in the UK to contact five recently sentenced IWT offenders, they refused to participate in the study. The sample achieved is detailed in Table 1.0.

Table 1.0: Summary of Research Methods and Sample

Methodology & Sample	UK	Norway	Columbia	Brazil
1. Expert Interviews	11 [5 customs (including a state veterinarian), 3 police, 3 NGO] ^{iv}	12 [1 government/ CITES, 4 customs, 5 police, 2 veterinarians (inc. state)]	14 [Interviews in Colombia ^v ,	4
2. Offender Interview	0	5 [reptile smugglers]	0	0
3. Observations	4 [2 airports, 1 port, 1 police headquarters]	1 [Oslo airport]	2	1
4. Documentary Analysis	1 [NGO record of prosecuted CITES cases]	856 [46 CITES cases 87 Wildlife cases (Code 2510) 723 Animal Welfare cases (Code 5901) ^{vi}]	1 [1 Court ruling]	0

3.4 Ethics

As experienced researchers, the case studies were conducted with awareness of, and sensitivity towards, the high ethical standards expected in criminological research. In so doing, the research was conducted in accordance with the ethical guidance from the European Commission (2007), the British Society of Criminology (2006) and the University of South Wales (2014) as well as according to the ethics of Norwegian social sciences (NESH). The project has been approved by Norwegian Social Science Data Services (NSD). Penal cases were provided by the Norwegian State Attorney and analysed in line with their policies and confidentiality requirements. The collection and storage of project data complies with the Data Protection Act 1998 provisions^{vii}

Further ethical consideration (in particular, in writing up findings) was necessitated due to the inclusion of participants who had offended and others who, for various reasons, needed to remain anonymous. In South America all interviewees were offered anonymity but several of these respondents wanted to be credited for their participation in the project (see footnote v).

3.5 Data Reliability and Validity

This case study provides a comparative understanding of the IWT in the UK Norway, Colombia and Brazil. The interviews and observations with key agencies and experts have made it possible to illuminate the key responses to the IWT, how it is prioritized by agencies and the strengths and weaknesses of the approaches taken to regulate, detect, enforce and punish IWT offences in the case study sites. Additionally, interviews provided further understanding of the nature and motivations for the trade. Through insight into penal case files it was possible to establish whether IWT can be linked to organized crime. The data collected thus contribute to the Analytical Framework in terms of defining environmental crime (inc. victims/harms), identifying the actors (victims, offenders, key stakeholders) and identifying the motivations for IWT and the effectiveness of the response to IWT.

Patton suggests that “...the human element of qualitative inquiry is both its strength and weakness - its strength is fully using human insight and experience, its weakness is being so heavily dependent on the researcher’s skill, training, intellect, discipline, and creativity.” (1990:433). This case study was conducted by experienced qualitative researchers. Guba (1981) suggests the best criteria for evaluating qualitative research is credibility, transferability, dependability and conformity. Credibility refers to validity; this is achieved through the use of research instruments which provide opportunities for interviewees to clarify their meaning. Transferability refers to the ability to generalize; this is possible due to the descriptive account of the context and assumptions’ governing the research. This study demonstrates dependability in that the process and analysis had taken into consideration how the context has affected the research. For example, the UK has seen a significant increase in political will as a result of the high profile London Conference (Foreign & Commonwealth Office 2014). The subsequent energy and efforts amongst all stakeholders to tackle the IWT is likely to have impacted upon interviewees. Interviews with experts and stakeholders in Norway, Colombia and Brazil, display a special concern and interest in IWT. Still; more than reflecting a general pattern of awareness and priority in these locations, i.e. at political level and among law enforcement and control agencies/agents; these interviews are as much painting a picture of frustration and worry precisely because of the lack of priority IWT generally has. Conformity has been achieved in the case study through the adoption of multiple methods of data collection, a variety of data collection sites and participants, as well as through the systematic literature review.

As is the nature of qualitative research, further questions and lines of inquiry lie within the answers received. For example, further gaps in knowledge were identified and we suggest require further investigation, such as what motivates different offender types, what are the processes (e.g. key points) involved in moving wildlife from source to buyer and what could prevent this from happening? For example, would increased awareness about animal suffering and risk of detection/punishment impact on the offender’s decision to commit/desist from such offences. These case studies cannot identify the prevalence of IWT or IWT cases in these localities. There exists no consistent coding and therefore no overview of registered CITES cases in these locations. Further; the clandestine nature of the IWT and the limited priority given to this offence in criminal justice agencies suggests the majority of trafficking offences pass undetected.

4 Case Presentation

This chapter combined the key findings of the IWT case study in each location. First, a brief delineation of the case study area (including key institutions and stakeholders) is provided, followed by a more detailed analysis of

the key impacts and costs, the key victims and offenders and an evaluation of the main responses to the IWT. Given the broad scope of the case study the findings are considerable, however, the limited space in this report permits only presentation of brief examples from case study areas.

4.1 Case Study Area (Institutions and Stakeholders)

4.1.1 UK

The UK comprises England, Wales and Scotland and Northern Ireland. The case study covers these four locations as all four countries are within the remit of key CITES agencies (such as the NWCA, NCA, BF) and stakeholders, (such as TRAFFIC, WAP). However, the nature of the IWT and responses to the trade differ across these countries. England, for example, is an important transit site for the IWT as home to the majority of approved UK Border Inspection Posts (e.g. import/export) (see Table 2.0). All live animals and their products from outside the EU must be imported through an approved Border Inspection Post. Wales, in contrast, is a less likely entry point for IWT, but more likely to supply the illicit raptors and bird egg trade. It is important to note that the UK, like the EU, comprises a single market (since 1993), which creates particular problems in the enforcement of IWT. Without effective internal controls, all EU borders are weakened; once wildlife is smuggled into one country it can circulate freely to other member states/countries due to the limited custom controls and paperwork requirements.

The CITES Convention is implemented in the UK through EU CITES trade regulations (EC 2010) and enforced through the COTES (Control of Trade in Endangered Species 2009) regulations. Additionally, wildlife in the UK is protected through many national regulations – such as, Animal Welfare Act 2006, Wildlife and Countryside Act 1981, Dangerous Wild Animals Act 1976, Performing Animals Act 1925 and Pet Animals Act 1951. Interestingly, while interviewees (both CJS and NGO) identified COTES and CITES regulations as robust enough to control the IWT, the domestic national wildlife protection laws were regarded as outdated, fractured, and inconsistently regulated and enforced^{viii}.

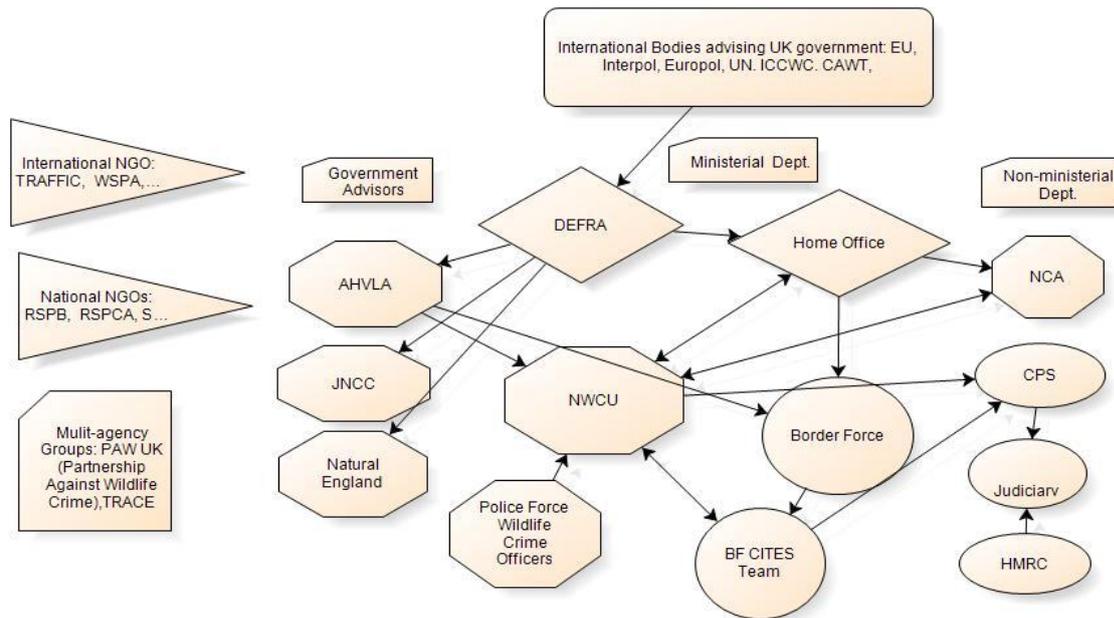
Table 2.0: Location and Remit of UK Border Inspection Posts

UK Border Inspection Post Locations	All Live Animals	All Animal Products
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Belfast (NI)	No	Packaged - all
Belfast Port (NI)	No	Frozen - consumption
Bristol Port (Eng)	No	All products
East Midlands (Eng)	No	Packaged - consumption
Edinburgh (Scot)	Yes, e.g. dogs, cats, ferrets, lagomorphs, amphibians, reptiles, tropical ornamental animals and rodents	No
Falmouth (Eng)	No	Fish only
Felixstowe (Eng)*	No	All products
Gatwick (Eng)	Yes	Packaged - all
Grimsby (Eng)	No	Frozen - consumption
Heathrow (Eng)*	Yes – all animals	
Invergordon (Scot)	No	Processed animal proteins only
Liverpool (Eng)	No	Packaged - all
London Gateway (Eng)	No	packaged - all
Manchester (Eng)*	Yes, Fish, Reptiles, invertebrates and amphibians only.	Packaged - all
Manston (Eng)	Yes, e.g. farm, wild and domestic hoofed animals, horses	No
Peterhead (scot)	No	Frozen fish
Prestwick (Scot)	Yes, e.g. farm, wild and domestic hoofed animals, horses	No
Southampton (Eng)		All products
Stansted (Eng)	Yes, e.g. farm, wild and domestic hoofed animals, horses	Packaged - all
Thamesport (Eng)	No	Packaged – all
Tilbury (Eng)	No	All products
Information collated from DEFRA (2014) data		*key CITES entry locations

Many UK government agencies and organisations are responsible for responding to IWT (See Figure 2.0). Both DEFRA and the Home Office are responsible for implementing international conventions (e.g. CITES) and are supported by non-ministerial departments (e.g. National Crime Agency and Crime Prosecution Service), criminal justice agencies (e.g. National Wildlife Crime Unit, Border Forces) and government advisory groups (e.g. Animal Health and Veterinary Laboratories Agency) to enforce legislation and identify and prosecute offences. These agencies and groups work closely together, For example, CITES licences are issued by the AHVLA and enforced by HMRC. However, until recently, none of these agencies specialised in responding to the IWT. This changed in 2006 with the launch of the NWCUC, a police team dedicated to combating all UK wildlife crime. The Scottish Wildlife and Environmental Crime Unit has also developed a team of specialist prosecutors and crown council for Wildlife offences, while the Scottish minister for Environment and Climate Change has created a Wildlife Crime Penalties Review Group to review the sentencing of wildlife crimes (for Scotland alone). Other groups, such as, PAWS and TRACE help coordinate partnership work between statutory and non-government organisations.

Figure 2.0 Main UK Institutions* in response to IWT



(Source compiled with interview data from enforcement and NGOs) *see List of Abbreviations for agency names

Both national and international NGO's are central to combating the UK IWT. They provide financial support, scientific and welfare evidence and advice, and facilitate public and political education and awareness. Notably, (and controversially) it was largely through the efforts of NGO's that both dedicated UK police wildlife crime units (NWCU and Metropolitan WCU) survived their yearly funding crisis (funding was provided on a year to year basis). Since 2012 the NGO, WAP, has directly funded the Metropolitan WCU and have campaigned successfully to secure government funding for the next two years for the NWCU. This is a good example of successful partnership work among stakeholders in the UK; the extensive campaigning by NGOs, alongside the increased publicity of noteworthy seizures and prosecutions by enforcement agencies has brought about increased public and political awareness of the wider impact of IWT offences. NGO's also provide essential protection to animal victims of the trade, though provision of sanctuaries and the rehoming of confiscated live animals who would otherwise be euthanized.

There are many specialist groups and businesses which have a stake in controlling the IWT – such as Taxidermy Law, Natural History Museum, Amphibian and Reptile Groups of the UK, Wild Law UK; Freight Transport Association. Much of the illicit trade stems from UK citizen's demand for luxury products, making them important stakeholders in IWT. Interviewees suggest that many UK citizens are unknowingly importing IWT products – either in non-compliance of the regulations (e.g. CITES certificates) or in ignorance of the origin and species (e.g. wild-caught, or endangered species). In view of the relatively limited (in comparison to other serious offences) resources available to the key CJS agencies (discussed in interviews and identified during observation), it is easy for the public to repeatedly make such errors without reprimand.

4.1.2 Norway

Norway is a country with a frontier to Sweden, Finland and Russia in the north. Animals are trafficked to Norway by plane, ferry, car, or in the luggage when travelling, as well as through freight companies. Offenders will take advantage of porous borders and try to traffic wildlife (e.g. parrots) and other contraband (alcohol) through Customs' stations (crossing points) where there are fewer controls, or with less frequency than the Svinesund border between Norway and Sweden, a main crossing point.

Main stakeholders involved in Norway in regards to IWT are at state level are: The Norwegian environmental agency which is the formal owner of all wildlife in Norway and also responsible for CITES in the country. It is also the agency which is consulted by Customs when animals are seized, both to establish whether CITES species are involved, and to regulate the required permits. CITES is further a stakeholder, as Norway is party to CITES.

The Food safety authority is the entity responsible for animal welfare in Norway and which takes care of the animals which are seized, whether at Oslo airport, other Custom stations along the Norwegian-Swedish-Finnish-Russian border, or at ferry stations, such as in Kristiansand in the south where seizures are made regularly, or when police seize animals in private homes.

Økokrim, The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime, is the central unit for investigation and prosecution of such crimes and the main source of specialist skills for the police and the prosecuting authorities in their combat against crime of this kind. Other stakeholders are police specialist investigation groups on environmental crime (including work environmental crimes). The customs both at directorate, and front line officers, are further stakeholders. Other stakeholders identified in the research are reptile keepers who are often involved in interest groups lobbying for a change in the legislation prohibiting reptiles in Norway. Finally; Kristiansand zoo and Oslo reptile park (which are offered and sometimes accept confiscated wildlife) are stakeholders. Many of these stakeholders are represented in interviews.

4.1.3 Columbia and Brazil

In Colombia and Brazil; there are several stakeholders at state, and regional level, representing Environmental authorities in certain districts, Stakeholders in Colombia are: Ministry of Environment and Sustainable Development, Environmental and ecological police, Secretary of Environment, Center for the reception and rehabilitation of wild life fauna, TRAFFIC Latin America, Proaves, NGOs are both regional (Traffic, South America) and national, Proaves, Corredor Dos Oncas, Entropika.

Stakeholders in Brazil are: Animal Husbandry, State Secretary of Environment, Collectors, transporters, sellers, ARIE Matao de Cosmópolis/ICMBio, Environmental Police, Depave Ibirapuera - Center for the reception and rehabilitation of wild life fauna. Several of these stake holders are also represented in interviews.

4.2 Impact

As evidenced in the introduction and literature review, there are widespread impacts from the IWT – upon countries (e.g. social unrest, financial loss and bio-diversity), citizens (e.g. poverty, victimization) and most significantly, the animals themselves (e.g. deaths and suffering to individuals, species and habitat loss). Similar issues were highlighted during data analysis:

4.2.1 Prevalence and Cost

Experts at all locations acknowledged there is a considerable ‘dark figure’ in the IWT, making it difficult for them to measure the prevalence and costs. Similarly, placing a value on the loss caused by the trade was problematic, both in terms of understanding the extent of the impact (e.g. on the economy, society, or on the natural world (species decline and suffering, ecosystem destruction) and in measuring its worth.

Data from Norway demonstrates that it is feasible that IWT confiscations only represent a very small part of the actual trafficking. A reason for this is that Customs have targets for other serious crimes, such as drug seizures; the ‘war on drugs’ is highly prioritized at the political level and, consequently, by the police and customs on the ground. Subsequently, the less prioritised IWT has no or (in the case of the UK) very low targets, offences are revealed, more or less, by accident or in conjunction with more ‘serious’ offences such as drug and alcohol and tobacco smuggling. Within these seizures ‘luck’ plays a role in the identification of IWT products – an officer *may* recognise a product and *may* pass this information to a specialist officer for identification. The inability of officers to identify CITES species is central to this problem – this is exacerbated by the complicated and regularly changing lists of regulated species^{ix}. Therefore, interviewees (from UK and Norway) recognised that many offences may go undetected as non-specialist officers (in customs or the police) have significant difficulty in identifying ‘illegal’ wildlife products and species.

In response to the prioritization of the IWT as a serious crime in the UK, dedicated CITES customs (Border Force) teams have been developed in border patrols. This development, alongside the police targeted operations around the country (e.g. Operation Charm), has brought higher seizure targets and a significant increase in the detection of illegal wildlife (inc. parts/derivatives) offences. While most BF officers are not trained in identifying CITES products, the heightened publicity surrounding these offences has resulted in greater general awareness of these issues. Thereby, UK interviewees advised that the increased prevalence of IWT offences does not necessarily reflect a growth in illegal activity, but rather reflects a better detection strategy.

Even with better detection, IWT offences are not necessarily (or accurately) recorded. This is particularly evident in Norway, where one case file detailed a punishment of a 25,000 NOK fine for smuggling alcohol into Norway; yet the fact that he also trafficked CITES listed African Grey parrots is not mentioned in the fine (case file data). Prevalence data for the IWT is recorded in a number of formats, but each database has its limitations. EU-wide data is available on the legal (e.g. Eurostat, CITES) and illegal (CITES Trade database) trade. National offences in the UK are recorded by customs (BF) and the NWCUC. However, for the purpose of this research, it is insufficient for identifying the prevalence or nature of IWT, customs data is not regularly published and, when available, is markedly sanitized. Although the NWCUC hold a national wildlife crime database, not all UK police forces regularly send reports to the NWCUC’s national database, and often the format of those sent lack important detail and accurate measurement. Consequently, it is difficult to calculate the cost or extent of the IWT or

construct detailed profiles (e.g. the country of origin, species or number or amount of wildlife products). To address IWT in Norway, a first necessary step is to register all penal cases properly (equally), including those – the majority – which are settled with a fine to make it possible to get an overview, for then to proceed to categorise the prevalence of the different modus operandi in order to prevent them from happening in the future.

According to Norwegian Customs directorate's statistics, between January 2012 and June 2014, there were only 165 CITES confiscations, 63 concerning animal species. In comparison, between April – December 2013, the UK BF made 402 CITES seizures, of which 140 were animals or animal products and a further 130 preparations of oriental medicine (which contained animals and/or plants). It must be noted that each seizure represents one incident, rather than the actual quantity seized. For example, between October and December there were 3 live animal and bird seizures recorded, involving 469 individual animals/birds. Any measurement of cost must identify the quantity of seizures; however, with particular reference to derivatives and parts, this is seldom easy and sometimes impossible. In Norway, the actual number of animals seized appears in Customs' statistics which build on the customs report. This statistics also details number of CITES products (e.g. pills). However; there is no evidence in these statistics about what happens to the animals, and each case must be traced through the system, from seizure to closure. The statistics do only provide information about offenders, naturally, to assess whether the same person is involved in several seizures requires access to confiscation reports.

The IWT is commonly facilitated through land borders, sea and air ports and the internet, there is no commonplace modus operandi, although the variety of methods used were common to both the UK and Norway: tourists carrying items in luggage or on their person, traders using legal species to launder illegal, consumers posting items purchased abroad or on the internet to themselves, items concealed in large freight. In the UK, the largest seizures are linked with freight, whereas more frequent small seizures are made at airports and in the postal system. Smuggling wildlife into Norway, unlike the UK, is facilitated through extensive land borders. Norway is, as mentioned, one of only two countries in Europe with a reptile ban.^x The offenders interviewed attended reptile fairs around Europe, (e.g. Hamm in Germany, Sweden and Denmark) to purchase reptiles and smuggled them into Norway in cars. Specifically, offenders detailed driving two cars, one without reptiles would cross the border first, and the second with the reptiles would cross only if the first passed freely. Interestingly, another Norwegian case currently under investigation involved Norwegian reptile owners breeding and trafficking reptiles (by post) for the international market, including Australia. This case will be prosecuted as an organised crime.

Although on a much lesser scale than imports, interviewees in Norway and the UK identified the illegal trafficking of predator birds (e.g. raptors) and their eggs, to an international market – including US, Finland, Sweden, South Africa and Germany (e.g. Keith Liddell case, UK). All four localities identified the pet trade as an important market. The confiscations made by customs in Norway and Border Forces in the UK include all typical IWT found in the international literature, such as ivory bought in internet auctions (Interpol/IFAW 2013).

In Columbia, the rehabilitation centre in Bogotá receives 4,000 animals (CITES and other) per year. Most of these animals were trafficked within the country, but according to confiscations the District secretary of environment (the rehab centre) and police have made at Dorado airport, frogs are trafficked to Switzerland and Spain, and turtles (the endemic species mata-mata,) and McCaw parrots, are trafficked to the United States and Europe. The Sao Paulo environmental military police, states that Sao Paulo is where most wildlife seizures are

done in Brazil. 90% of the animals they confiscate are small birds, in addition to turtles and snakes. In Sao Paolo in 2012 they confiscated 22 thousand birds, and 4 thousand other animals, while in 2013, 24 thousand birds and 3 thousand others. The Sao Polo police imposed fines worth \$27 million real in 2012 (about 12 million USD), and 29 million real (13 million USD) in 2013.

Table 3.0: Commonly identified species seized and their uses in Case Study Locations.

Norway	UK	SA
Parrots, reptiles and fish for the pet market (in addition to other species, including mammals).	Reptiles (pet trade, skins for fashion items)	Parrots, reptiles, many mammal species
Animals used as products for medicinal purposes (tiger, leopard)	Birds (pet trade)	Animals used as food (manatees, turtles).
Ivory tusks and products for collectors	Various animal parts and derivatives (traditional medicine, beauty and health, traditional foods, luxury food)	Reptiles for medicinal purposes
Stuffed animals (trophies) for collectors	Marine life -fish, coral, caviar (pet trade, luxury food, ornamental, jewellery)	
IWL products bought by tourists, such as belts, shoes, purses, sea horses etc.	Elephant ivory - tusks, pieces (ornamental, trophy)	
Caviar	Rhino horn - pieces, powder (trophy, traditional medicine)	
Pelts, heads	Wildcats – skins, stuffed (taxidermy, ornamental)	

4.2.2 Victimization

The nature of the IWT ensures that the animal victims will suffer, making them the most significant victims of the trade – both in terms of the harm to individual animals and their species as a whole. Interviewees provided many examples of the poor conditions in which trafficked animals arrive in the UK and Norway. Consistent with the literature, South American interviewees identified that only 5-10 out of 100 trafficked parrots and reptiles survive. For example, illegally abducted parrots are often forced to wear a false leg ring – used to fraudulently identify them as captive bred – taken from birds that are captive-bred, many bird’s legs are broken in this process. By permitting CITES I animals born in captivity to be traded as per Annex II, a loophole exists which encourages this type of ‘laundering’. In the UK, NGO interviewees expressed particular concern over the welfare impact of the exotic pet trade, identifying it as one of the most pressing animal welfare issues. For example, in order to smuggle reptiles, offenders launder them as part of the legal trade – a permit number that licences 50 reptiles may instead transport hundreds in overcrowded and thereby lethal conditions. The IATA Live Animal Regulations (a minimum standard for transporting animals for the legal wildlife trade in a safe and ethical manner) must be used to comply with CITES in the EU. Trafficked animals will not experience these safe conditions, instead live animals confiscated by UK officials have been found taped to bodies, stuffed into tubes

and socks in luggage or in small parcels in the post, and are often dangerously sedated for 12-13 hours in order to do so. Member States may refuse to licence airlines (who are responsible for ensuring customers fulfil the IATA requirements) to transport live animals if found to be in breach of the IATA regulations. However, the UK vet interviewed explained as there is no database of such breaches for other EU Member States to check before granting a licence; thereby airlines can breach these regulations time and time again.

When live animals are identified and seized, victimisation may continue. In some countries, (e.g. Norway) euthanasia of seized animals is the rule rather than the exception, even though the Norwegian Environmental Agency states the goal is to return confiscated CITES animals to where they belong. In contrast, the UK has a good record of re-homing animals – with the help of the purpose-built ARC reception centre at Heathrow – however, this is an informal process facilitated by the commitment of agency staff, rather than a legal requirement. The process is successful due to close co-operation between agencies and good relationships between agencies and interest groups (e.g. zoos, sanctuaries). Nonetheless, problems are evident, in terms of how interest groups are chosen and monitored (e.g. are they licenced or inspected regularly), recognition that there is a limited capacity among these groups to rehome large numbers of certain species (e.g. reptiles) and animals being kept for long periods in, what should be, temporary accommodation. According to UK officers for a live animal to be seized under CITES, enforcers must have the capacity to accommodate and care for their needs. . Therefore, if there are no adequate facilities for holding live animals, they cannot be seized, even if an offence has taken place. One example provided detailed live animals being returned to the country of export due to lack of space. In this case, the UK may not record or prosecute these cases and the animals may be returned and subjected to additional victimisation This was not discussed by officers in Norway; the recommendations to the parties of CITES (1998) is that an action plan should "identify approved facilities and programmes located within the country that have agreed to provide adequate care, including veterinary or phytosanitary care, and that are willing to accept confiscated live specimens of particular taxa". In Norway such locations are limited to two, whose purpose it is not to save confiscated CITES animals but to display animals to the public (Kristiansand zoo and Oslo reptile park). They have therefore reached saturation point for receiving animals, unless they are very rare. CITES (Conf. 9.9) establishes the responsibility of parties in cases of wildlife confiscation, that the seizure and confiscation of such specimens are generally preferable to the definitive refusal of the import of the specimens; and to ensure the animals are not re-entered into illegal trade, including monitoring their return to the country and providing for their confiscation.

For lack of similar facilities to the UK ARC in Norway, with few exceptions, confiscated wildlife is euthanized. Decisions about what to do with the animals are made after consulting with The Norwegian Environment Agency, as mentioned, the formal owner of all wildlife in Norway, where they will usually advise that the animals are killed, especially if they are *only* CITES II. For example: On 12 August 2014, 6 African Grey Parrots smuggled into Norway were confiscated and later killed. On March 30 2014, 44 birds were brought to Norway, the accompanying permit allowed for 36 – the eight excess birds were killed. Document analysis of hundreds of penal cases revealed that seized reptiles are always killed. When the “confiscated goods” (the actual term used in the verdict and confiscation reports) are killed for enforcement, it challenges the intention behind the convention, However; when it is stated on the CITES Secretariat (n.d.) website that; “its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival” - the protection offered by CITES seems limited at best and does not seem to protect individuals because they are only valuable as “specimens”

when the species becomes threatened. Rather, the purpose of CITES is to protect *economic* trade rather than the individual animals. This distinction was evident when interviewing a UK enforcement officer who clearly distinguished their job as enabling trade, rather than animal welfare.

In source countries, the situation is exacerbated by the large number of injured and stressed animal confiscated and the limited resources available. In Sao Paolo, mortality rates are high among the large number of confiscated animals trafficked from the North Eastern state of Bahia, and the police do not have the equipment, logistics or the resources to adequately deal with these animals. In both Colombia and Brazil seized animals are sent to rehabilitation /rescue centres with the intension of returning them to their natural habitat. However, many cannot be returned and must live in a zoos or remain at the centres in poor conditions (due to the lack of resources and space). To further exemplify victimization: a seizure of more than 1200 Icoatea turtle babies meant for the western world was made in Colombia, this species has a high mortality rate as a consequence of trafficking. According to interviews 80-90 % died and of the remaining 10% who arrive at the centre, more are expected to die from the stress they have been subject to. Often animals are so injured, for example, from different blows during the violent act of abduction that they all die, or if they do not die, they can still never be returned to the forest. It is also hard often to establish where they were taken as the traffickers will not cooperate.

Humans may also be victimised by the IWT, in terms of their health and finances. For example, consumers of traditional medicines are arguably made false promises' regards the benefits of these medicines and may unknowingly be consuming endangered species (e.g. ingredients listed are fake or illegible), similarly consumers of the unregulated meat (e.g. bush meat) trade may become ill. The theft of raptors, bird eggs and European eel in the UK is linked to the decline in biodiversity, which indirectly impacts upon all EU citizens. Likewise, organised crime groups use the IWT to engage in other offences which more directly impact upon people (e.g. drugs, human trafficking). UK NGOs also identified threats of violence and the destruction of livelihoods and communities in source countries as a consequence of the IWT.

4.3 Causes, Motivation and Incentives

UK (and some Norwegian) interviewees, identified financial reward as the most common motivation and incentive for the IWT, and this motivation appeared also in the other case studies, e.g. in relation to pet trade. This is consistent with the literature. However, explaining the causes of IWT and motivations of offenders is more complex than this, when the purpose of the trade and type of consumers are considered (see Table 4.0). Evidence from UK and Norwegian law enforcement agencies suggests that 'non-compliance' (defined as failure to comply fully with the regulations and policy requirements – often due to ignorance or paperwork error, rather than purposefully committing an offence) makes up a significant portion of their CITES seizures, (e.g. tourists bringing back souvenirs/pets) and, as such, are often treated leniently. As previously discussed, CITES regulations and related policies are complex, change regularly and include exemptions, which may be open to interpretation, thereby creating possible loopholes and facilitating ignorance. One example is that tourists are permitted to carry objects which are "personal effects" (Interpol /IFAW 2013). This may also explain why

organised criminals choose to engage in the IWT. One NCA interviewee detailed what he saw as the gradual move, by some offenders, from “bending the rules” in their legitimate businesses to engaging in more organised offences and illegitimate trade. Such offenders often do not perceive themselves to be criminal as they do not view their acts as ‘really’ breaking the law. These offences are caused by the lack of priority offenders place on this type of crime and their ability to minimise and justify this behaviour. Interviewees distinguished ‘collectors’ from other types of offenders as being motivated by an addition-like behaviour.

London is the heart of the illegal bush meat trade, consumers of which are reportedly motivated by the desire to eat ‘traditional’ or ‘gourmet’ foods. Similarly, in Norway, the desire for a reptile as a pet has led many ‘ordinary’ people to engage in the IWT. That said, a large number of the analysed police files coded as “the illegal keeping of exotic species” (the regulation under the Animal welfare act), indicate that reptiles are attractive to people involved in other serious crimes (e.g. violence and drugs) and who do not offer the minimum welfare requirements. UK enforcement officers identified trends in the IWT market, indicating products fluctuated along with current fashion and health demands – for example, the growth in popularity of traditional medicines in the UK over the past decade has made these products amongst the most commonly seized items in the trade. However, more recent developments in the health and beauty market have seen an increase in the smuggling of caviar in creams and exotic animals in fitness supplements. Consequently, changes in the IWT market suggest changes in the type of offender (e.g. different consumers for different products); although it is not clear if the consumer creates the market or the market creates the consumer. There was a marked and sustained decrease in the wild bird trade to the UK since the Avian Flu outbreak, suggesting limitations placed on the legal market also impact on the motivation for both offenders and consumers of the illegal market.

Table 4.0 Summary of Offender motivations/Incentives

Norway	UK	SA
Profit (pet trade, birds reptiles)	Profit	Profit
Profit (exotic items for sale)	Pet	Pet (adornment, songbirds)
Pet trade (personal use)	Status	Traditional food
Collections (eggs, predator birds, taxidermy, ivory)	Consumption - traditional or luxury foods	Medicinal products Bird fights
Souvenirs (tourists’ trafficking, accidental/random offenders)	Enhanced Health and Beauty - traditional medicines, body building supplements, facial creams	Experiments
Consumption , medicinal products (caviar)	Collections - taxidermy, trophies, eggs, wild animals	
Fish angels (feathers)	‘Tourist’ trinkets/ornaments	

Trafficking in Colombia was identified as commonly for the ‘pet’ and food market and for scientific experiments. There are long traditions for keeping parrots, monkeys and other wildlife as pets in Colombia. These are particularly widespread practices among the lower strata of the population who during the last decades have moved into the cities. Through this movement, which is also taking place in the rest of Latin America, they bring these practices with them and also provide a market for the trafficking. Sea mammals and turtles are usually

trafficked in large quantities, principally for the internal market during Easter, because they are “white meat” rather than red meat which shall not be consumed during this holiday.

Profit makers have the animals brought to markets in the cities e.g. in Bogotá: Plaza de Restrepo, Corabastos, the most central market in the country, or to pet shops in Carracas Street. The locals, often indigenous people in the first part of the chain who abduct the animals do this for need of (small) financial gain, encouraged by middlemen. Many engage in this as a livelihood, because it is an easy way to generate income and these people often lack other alternatives. Rather than focusing on these offenders the police in Columbia concentrate on the people who receive the animals at reception store houses. Often the animals have passed through the hands of 6-7 persons before they arrive there. Those who travel to recollect the animals are of particular interest to the authorities, the middlemen (See Wyatt 2013b). It is established that traffickers also travel. They bring animals to buyers on commission through the use of catalogues. For example, one can order a tigrillo, the order will be passed to the poachers who will abduct it and then be paid on delivery. They do it this way to avoid police raids.

The Colombian Patarroyo case (Primates used in experiments exemplifies the complex motivations for offenders:

The Patarroyo case involves the legal and illegal trafficking and experimentation on more than 20 000 nocturnal primates. Manuel Elkin Patarroyo has been conducting his research and experimentation on primates for over 30 years; no result has been achieved despite all the individuals (ab) used in the research. He paid locals to take the primates, and when animals in Colombia became scarce, he also organized the trafficking of them from Brazil and Peru. While he had the permission to take the animals from Colombian authorities, he had no permit to take animals from neighbouring countries, thus breaching with the CITES convention. Permits in Colombia were revoked through a Court ruling, the ruling was recently annulled.

The IWT in Brazil, like Columbia, is motivated by the pet trade (for example between 2006 and 2013, a total of 41543 of the species canarrio –da-terra-verdadeiro were seized by the Sao Paulo police) and the long traditions of keeping wildlife in private homes. According to interviewees, there are millions of animals in Brazilian homes, traffickers sell them along the road as they do in many Latin American countries. The use of animals, especially reptiles, for medicinal purposes as well as for folklore traditions is also quite widespread among indigenous peoples in the north and north east of Brazil, although it is uncertain to what degree the trafficking for such purposes will ever be detected by the police, as such practices often take place locally.

4.3.1 Organised crime

As previously discussed in the literature, there are many claims about the connections between drug and wildlife trafficking. This is to *some* degree confirmed in the research data. Organised crime was largely identified in the UK in terms of rhino horn thefts and trade, egg and raptor bird trade and the repeat offending of companies’ involved in selling traditional medicine products (e.g. falsifying documents, changing company identifies, concealing ingredients). Two enforcement officers indicated they were aware of organised crime, but due to limited resources they were unable to collate the necessary evidence. One interviewee revealed that they were directed not to follow up on organised crime leads as their quota had already been reached and “it was not their job to do so”. This may not reflect the general enforcement experience, but it may explain the difficulty in

clarifying the nature of organised crime in the UK IWT. As data becomes intelligence the networks of offenders are becoming more apparent and it is easier to identify offences as organised.

Interviewees in Brazil identified a relationship between organized crime) and animal trafficking in the Amazon border areas, over a decade ago. Between 1997 and 2001, the trafficking of precious stones, drugs and animals took place on the same transport routes – by air or water – most cargo being a combination of these items (see Renctas 2001). However, Military Environmental police in Brazil do not find *any* relationship between the organized drug trade and wildlife trafficking in Sao Paolo at present. Rather, occasionally, animals may be found in the homes of drug addicts, who intended to sell them to fund their drug use. This is consistent with penal cases in Norway, in which persons under investigation for drug offences have their reptiles confiscated during house searches.

In Colombia, concerning a possible connection between drug trade; Ortiz-Von Halle in Traffic linked organised crime to incidents where snakes (*Boa constrictor*) were being used to smuggle cocaine, but he qualifies that drug traffickers will put drugs into any possible cargo. As in Brazil, animals were trafficked using common transport routes for other illicit trade (e.g. timber, drugs) (consistent with Schneider 2013, Zimmerman 2003 findings). The traffickers specialise in drug smuggling, and will engage in other illicit trades that facilitate their drug offences – the important link is the existence of transit and trade routes, rather than a purposive link between professional drugs and animal traffickers. Furthermore, Ortiz-Von Halle argues that while the routes are physical, within these routes exists the avenues for corruption and cooperation to secure the trade - whether in wildlife or drugs.

The people who provide potential customers with catalogues detailing animals that may be ordered and delivered, and who organise the poaching, the trafficking and the trade were also said to be well organised, according to the Columbian interviews. In conclusion, there is evidence of organisation within the trade, but to what degree this may be defined as organised crime varies: the data suggest offenders engage in cafeteria-style criminality (picks whatever is low-risk, high profit), however, it is not clear if crime groups are specialising in this type of trade. However; according to Minister of Environment in Colombia on 27 of October, 2014, there were 55 000 wildlife seizures in Colombia the past two years. According to him, criminal gangs involved in illegal mining and illegal logging are also increasingly engaging in IWT.

4.4 Responses to IWT

4.4.1 IWT as a Priority

The issue of priorities was central to many interviewees' discussion on responses to the IWT. Within the UK, the IWT has been newly prioritised as a serious crime (albeit of low priority). In Norway, it is identified by interviewees and through its treatment (or lack of prosecution) as a minor crime, while the Police directorate establishes it as serious crime, and thus a priority. The prioritisation of IWT in the UK has facilitated the development of specialised IWT enforcement units, the provision of training for non-specialist enforcers, commitment to the collection of intelligence and intelligence-led enforcement. In contrast, there are no specialised units and very little training provided for IWT albeit there are officers specialising in environmental crimes (and work labour crimes), and there is a notable absence of databases on the IWT in Norway. This lack of

priority evidently impacts on the deterrent effect, in that the public, and many enforcement agents, seem largely ignorant of the harms and impact of these offences.

Within the UK, the changing enforcement priorities are in response to growing political understanding and interest in IWT, largely generated through NGO campaigning, the efforts of key enforcement personnel and the growing international IWT agenda. Most UK interviewees argued that the competing priorities for enforcement agencies ensures that the IWT is, in fact, a low priority in terms of the resources provided to respond to the trade; this is particularly evident in comparison to other serious crimes, proportionate to the scale of the IWT (e.g. drugs). Consequently, political and governmental commitment and prioritisation is incongruent with the practical enforcement of the IWT; as evidenced by the funding crisis experienced by specialist UK IWT enforcement agencies. According to the NGO, this is due to the outward-facing (e.g. international) nature of the UK political agenda. While an enforcement agent suggests this is due to the limited understanding of the impact of IWT on the UK, due to limited joined up intelligence on IWT.

While the penalties for IWT offences in both Brazil and Columbia are low and therefore fail to deter, a problem is also that those who make a living from abducting and trafficking animals in the first part of the chain do this for lack of alternatives; so just increasing the penalties will not have the desired effect. Two things are thus important: Prevent the animal abductions and stop the demand through education.

A problem of enforcement of IWT witnessed both in Norway and South America, is that if animals are not stopped during trafficking risk is great this remains a hidden crime in the sense that these animals are kept privately. In South America interviewees claim this is the same time an issue the politicians do not want to address, because the issue remains about what should be done with the animals.

According to interview data, a reason for people to engage in IWT rather than drugs trade in Colombia, is that while drugs trade can entail 20 years prison sentences, caught with wildlife the offender will only get a fine. This makes IWT an attractive crime.

4.4.2 Regulation

UK CITES offences may fall under COTES (Control of Trade in Endangered Species (Enforcement) Regulations 1997) or CEMA (Customs and Excise Management Act 1979) legislation, and can be linked to breaches in many international (e.g. Council Regulation (EC) No 1/2005 on Animal Welfare in transportation) and national (e.g. Animal Welfare Act 2006) laws. The legislation and policies in place to regulate the IWT were largely identified by UK interviewees as plentiful and fit for purpose. For example, by including the IATA LAR standards as part of CITES compliance, it easier to prosecute offenders for abuse linked to trafficking, as there is no need to prove 'suffering' as per the Animal Welfare Act 2006. However, concerns were raised with regard to the timeliness of legislation updates, the clarity of legislation for enforcement purposes, the limited protection it confers to animals, and how it is used in practice. For example, UK national wildlife legislation was regarded as outdated and disjointed, COTES and CEMA also require revision, while the Council Regulation (EC) No 1/2005 uses the standards set out in IATA LAR of 2004, even though these regulations are updated and improved annually

(therefore offenders could be convicted under 2014 standards, but not 2004). Similarly, in Norway, revision of the CITES regulation has been delayed for years.

Evidence of the difficulties in enforcing and complying with the complex CITES and related regulations were plentiful in the UK. Confusion creates loopholes for offenders, reduces compliance and impacts upon successful prosecutions. This was most apparent when changes to the definition of ‘worked’ and ‘unworked’^{xi} specimens caused widespread confusion among UK traders and enforcers alike; legitimate traders feared interpreting the new rules incorrectly and thereby losing their products or being convicted for a CITES offence, enforcement agencies were uncertain what to enforce given the uncertainty and level of non-compliance and offenders could exploit this confusion as it may be more difficult to get a conviction should they be caught.

The level of protection conferred to animals in the trade was also questioned with regard to their welfare post-confiscation. The provisions for trafficked animal’s welfare is one of the greatest deficiencies in CITES legislation in Norway; confiscated wildlife is routinely killed and the lack of facilities dedicated to caring for trafficked wildlife suggests this is not a CITES priority in Norway.

Norwegian legislation contains several regulations which prohibit the importation of live animals to Norway from abroad, among them *Viltloven*, (Wildlife law 2009§47 - Lovdata n.d.b^{xii}), The Law of biodiversity (Lovdata n.d.c) and the Animal Welfare Act (Lovdata n.d.d) with adhering regulation against the importation, trade and keeping of “exotic species”, with a maximum sentence of 6 months prison (Lovdata n.d.e).^{xiii} Another Law, applied in CITES cases, is the Law on regulation of importation and exportation from 6 June 1997 (Lovdata n.d.f) (max sentence 6 months prison). This may be used both for flora and animal (species) which are CITES listed. The Norwegian CITES regulation, November 2002 nr. 1976 (Lovdata n.d.g) is today, when regarding animals, based in the Wildlife law § 56, with a maximum prison sentence of 2 years. The CITES regulation is under revision and the new regulation will be based in the Law of biodiversity, maximum sentence one year’s prison sentence and fine. With a new CITES regulation based in the Law of Biodiversity, breaches of CITES will be registered as crimes rather than misdemeanours. The change in the CITES regulation, was first mentioned for me in an interview with the CITES representative in 2011, yet the case lingers in the Ministry of climate and environment, something which indicates that CITES is not prioritized at political level. Because several laws and regulations (frequently applied for other offences) variously are applied for CITES crimes, specific CITES crimes may remain unaccounted for in the system, i.e CITES may not even be mentioned in the confiscation reports or penal cases, even when animals belong to CITES species.

Both in Columbia and Brazil a number of laws apply for IWT. In Colombia, the laws most often applied in relation to trafficking are: Decreto 1608 de 1978 (Código Nacional de los Recursos Naturales (on natural resources) . Ley 599 de 2000 (Código Penal [Penal Law]) Artículos 328 y 329, Ley 84 de 1989 (On animal welfare). Ley 99 de 1993, artículo 1. In Brazil, *federal* laws which apply are: Decreto 24.645 de 1934. [Decree 24.645 of 1934. Animal welfare act.] Lei 5197 de 1967. About protection of fauna. The 1st article concerns wildlife: Lei 6938 de 1981. About the national policy regarding protection of the environment and Lei 9605 de 1998 {Law 9605 of 19989 About penal sanctions and administrative punishment for harmful acts against the environment.

4.4.3 Enforcement

UK enforcement of the IWT is increasingly focused on SMART enforcement, due to the limited resources available and the need for maximum impact in key locations (e.g. BIPs). Key agencies, such as the NWCUC, have established UK-wide enforcement priorities, based on data analysis and expert advice, thereby generating evidence-based targets, risk-based targeting and intelligence focused enforcement. Key enforcement agencies have developed national databases and reporting procedures for wildlife offences to enhance intelligence and identify organised crime. Similar efforts to produce more robust data and evidence to enable and enhance enforcement was evident among NGOs, where staff training, evidence gathering and analysis was based on that used by the police. However, questions were raised with regard to the set priorities, as the data on which these are based was considered neither complete nor robust enough to be considered intelligence. Intelligence gathering is limited as enforcement systems are not shared; there are problems with data reliability and missed opportunities in not using data provided by alternative agencies (e.g. NGOs) and facilitating easier access across systems. Transparency is limited as UK wildlife offences are not recordable offences (CITES cases are routinely coded and reported to the CITES trade database) and thereby not publicly accessible. Similarly, inconsistent coding (e.g. no specific code for IWT) in the Police statistics (STRASAK) of reported crime was identified as a significant weakness in the control and enforcement of CITES in Norway. Without consistent coding it is impossible to form an overview of CITES cases.

UK interviewees unanimously regarded the successful partnership work between enforcement agencies, with NGOs and other stakeholders as crucial to the enforcement response. The aforementioned partnership between WAP and the Metropolitan WCU, is a clear example of the benefits of partnership work. WAP stepped in to fund the unit due to funding cuts in 2012, and have since provided forensic toolkits to aid investigation and successfully worked together on targeted operations (e.g. Operation Charm) to share data for analysis and publication, to raise awareness and lobby for funding. However, many UK interviewees also pointed to the limitations in these partnerships, characterised by a lack of trust between agencies. NGOs and enforcement agencies have reportedly been hesitant to share information with each other, due to data confidentiality concerns. For the same reason, communication with international enforcement agencies was also identified as problematic. That said, EU TWIX (an online forum and database developed by the Belgian Federal Police to assist national law enforcement agencies across the EU, including CITES Management Authorities and prosecutors, in their task of detecting, analysing and monitoring WLT activities) was described by UK officers as an essential enforcement tool for communication. It enables the swift exchange of information/intelligence between member states; however, the effectiveness of this exchange is largely dependent on regular inputs from enforcement agencies in all member states. Reportedly, engagement varies considerably from one country to another.

Both NGOs and enforcement agencies highlighted the usefulness of strategic meetings and conference (both national and international) dedicated to responding to the IWT. This was also evident in Norway, however, these meetings, involving Customs, Police, The Environment Agency and the Food Safety Authority required prioritisation by enforcement agencies and needed to be held more frequently. Within agencies, conflicting opinions on the prioritization of the IWT and poor recognition of the roles and successes of IWT officers were highlighted, in addition to lack of competence) about (and interest in) CITES in relevant enforcement sectors, like police and customs. This entailed that customs' depend on the competence of very few, and officers admit to be unable to distinguish CITES species from non CITES species, and genuine CITES permits from forged CITES

permits. Many difficulties were detailed between enforcement officers and the prosecution services – wherein cases were delayed, not prosecuted or poorly prosecuted and no feedback was provided to enforcement officers. The Norwegian environment agency also emphasised customs’ deplorable lack of focus on freight companies. .

The development of specialised IWT enforcement agencies in the UK has helped raise the profile of the IWT, generate understanding of the prevalence and nature of the IWT and has enabled a more effective enforcement response. However, those enforcement officers with IWT responsibilities tagged onto other generic and specialist roles, find the IWT duties are deprioritised and often carried out outside work hours. Similarly, in Norway, CITES cases (along with other environmental crime cases) are left to environmental crime officers in each police district. However these officers often have many other cases to deal with and consequently CITES is usually not prioritized. While the Heathrow CITES hub and the NWCU are heralded as good examples of best practice and central to the successes of the UK IWT response, there was a notable absence of resources in other enforcement locations, often forcing officers to fund their own technology. Resources are also a problem in Norway, where Customs complained they were refused the computer program *green parrot* developed to help identify CITES species and CITES certificates. According to interviewees this would cost 100 000 NOK, and would have been a relatively cheap means of significantly improving the identification of CITES species. Specialist training for front-line officers is also required. One resource, which neither country has utilised although it is freely available, is the ICCWC Wildlife and Forest Crime Analytical Toolkit, which could help enforcement agencies ask the necessary questions to identify the resources required, strengthen their enforcement and identify alternative responses to the trade.

In Norway, the lack of priority results in low detection, poor recording and delays as cases are passed from prosecutor to prosecutor before a case may finally be brought to trial. Such delays consistently entail lenient punishment because the delay is regarded as a burden for the accused. Interestingly Norway is usually reputed for its databases, Statistics Norway has data going back to 1828, but CITES cases are not consistently coded, making it impossible to track the cases and get an overview. They have been registered as misdemeanours rather than crimes (Svae-Grotlie 2014). The police also variously use the different laws and regulations in their reports and statistics. Norway has a database [Lovdata] which includes all verdicts for important cases, but only 7 CITES verdicts are recorded here. Generally, enforcement response takes anthropocentric view – to facilitate trade and is regarded as a victimless crime; live trafficking victims are “goods”.

4.4.4 Prosecution and Sanctions

Within the UK and Norway, the prosecution and sentencing of IWT offenders was perceived, by most interviewees, to be the weakest link in the criminal justice response. Prosecution rates were described as very poor, due to lack of experience and expertise in the CPS and judiciary. UK enforcement officers detailed many examples where they worked closely with the prosecution service to enable a successful prosecution, however, they argued there were many more occasions where this did not happen and the case was not prosecuted (at all or unsuccessfully). Linked to this problem, is the issue that, apart from Scotland, the CPS does not record IWT prosecutions or their outcomes. Therefore, there is little accountability and it is difficult to generate a complete understanding of the response to IWT.

When prosecutions are successful in the UK and Norway, the resulting sanctions are generally perceived to be lenient and disproportionate to the harm caused. Punishment is considered to be inconsistent, lenient and delayed.

In order for legislation to have a preventative impact, certainty of punishment is more important than severity (Andenæs 1950); interviewees suggest, in the best cases there is some attention to severity, and in the worst, both certainty and severity are absent. In comparison of the UK COTES or CEMA legislation, the penalties available within CEMA allow a maximum of 7 years in custody; however, the maximum sentence under COTES is two years custody. While CEMA is perceived by many enforcement agencies to be adequate, COTES is seen as inadequate and problematic as it does not send a clear message to offenders. The higher penalties available for what are ‘financial’ (CEMA) rather than wildlife (COTES) offences suggest wildlife crime is not perceived to be a serious offence and is not a priority.

In Norway, because IWT offences are regarded as misdemeanors rather than serious crimes, most offences are penalized with a fine, normally between 5 and 10 thousand NOK - equal to that given for urinating in public space. This is irrespective of how the cases are coded, whether animals are dead or alive. Within the UK there are inconsistencies evident in the use of the lowest penalties available (e.g. fines, caution) by the different regulation and enforcement agencies. A similar weakness was identified in Norway, where, with few exceptions, prosecutions concluded with an out-of-court fine. Interviewees believed, for regulation to be effective, specialist training is required at all levels of the Criminal Justice System (CJS), in particular for the CPS and judiciary due to the perceived lack of expertise and experience. However, training is reportedly, neither provided (UK, Norway) nor desired (UK) due to the lack of priority given to IWT.

To conclude the offenses with a fine is also the easiest way for the prosecutor to get the case off the desk and therefore it seems the preferred way rather than initiating further investigation and bringing the case to Court.

In comparison; also in Columbia, the trafficking crimes are punished with a fine imposed by the environmental authorities, while 2 % are punished as a criminal offence, according to interviews. This depends on the vulnerability of the species involved, in addition, as mentioned on its economic value, which is also found in cases from Norway when determining the size of the fine. Likewise in Brazil, fines are widely applied: The Sao Polo police imposed fines worth 27 million real in 2012 (about 12 million USD), and 29 million real (13 million USD) in 2013. This money goes to the Ministry of Environment, counter to the situation in Norway where these fines are absorbed by the state budget.

There is a problem with porous borders – once illegal wildlife/products enter the EU it becomes more difficult to identify and apprehend the offenders. However, there is considerable variation across Member States and partnership countries such as Norway in terms of the priority given to regulating and enforcing this offence – as long as this is the case, all MS are weakened. The development of organised criminal networks in the IWT poses new challenges to source, transit and consumer countries, the most significant being they have the ability to destroy species at a phenomenal rate and have a growing lucrative market worldwide (e.g. China, Vietnam). As other serious crime offences are higher priorities than IWT, especially drugs, crackdowns in these illegal markets may increasingly displace organised offending towards the high profit, low risk IWT.

4.4.5 Other Responses

In Norway, the only response to the IWT comes from the criminal justice system and other than one noteworthy officer who is very knowledgeable and dedicated enough to provide training for fellow customs officers, this response is particularly limited. Norwegian NGOs play a minor role in informing and educating people about

IWT, for example, the WWF has some Social Media presence. South American NGOs, in contrast, are integral to the conservation and protection of wildlife and also in educating and helping people (and the environment), such as Traffic (regional in Latin America), Corredor das Oncas in Brazil and Proaves and Entropika in Colombia, in the case of birds and primates respectively. Likewise, NGOs in the UK have a fundamental role in educating the public and raising awareness, and campaigning for political support and funding to prevent the IWT. They also collect evidence and provide support from a national and international perspective, to help establish the nature and extent of the IWT and to support enforcement of the IWT. A recent example of this involved WAP working with another NGO, Crimestoppers^{xiv} to provide the public with a free helpline to call and report IWT offences. Additionally, key UK enforcement agencies, such as CITES Border Force, are active in providing training (using confiscated goods) for enforcement and non-enforcement personnel and developing educational tools for members of the public. These agencies are developing an international reputation for their training and assistance to enforcement officers around the world. However, as one UK enforcement office put it “continuity of expertise is really a problem for managers”; the wealth of knowledge and expertise and well-established networks with enforcement and non-enforcement agencies that these specialist officers possess (which enables partnership work, and makes the UK enforcement response so successful), would be exceedingly difficult to replace, should the need to be. Likewise, in Norway the dedication of a few persons seems crucial in the control and enforcement of CITES crimes.

4.5 SWOT Analysis on the Response to the IWT

In all case study locations interviewees identified limitations in the official response to the IWT. With the exception of the efforts of a few very dedicated individuals, few strengths were identified in the Norwegian response. There were considerable strengths and opportunities evident in the partnership work, training and specialisation detailed in the UK response. This section provides an overview of the strengths and weaknesses evident in the current response, in addition to the opportunities that exist to improve the response and possible threats which could hinder these improvements:

Figure 3.0: SWOT Analysis Matrix

Strengths	Weaknesses
<ul style="list-style-type: none"> • Robust legislation at National and International level (UK*) • Use of non-CITES legislation (e.g. CEMA) and regulations (IATA) to enhance punishment of CITES offences (UK) • Effective Partnership Work between enforcement and non-enforcement agencies (UK) • Identification of IWT as a serious (and organised) crime (UK) • Effective Partnership work and communication between international enforcement agencies (UK) • Specialist IWT enforcement agencies and officers (UK) • Specialist training on IWT for front-line staff (UK) • Specific occasions for IWT enforcement and non-enforcement officers to meet and share knowledge and develop a co-ordinated response 	<ul style="list-style-type: none"> • Incoherent and outdated domestic legislation (UK, N) • CITES is complicated and constantly changing – creating difficulties for enforcement and compliance (UK, N) • IWT not prioritised by enforcement or prosecution agencies (N) • Inconsistent application of sanctions, incongruence between lenient sanctions and the severity of the offence (UK, N) • Long delays in prosecution (leading to non-prosecution) (UK, N) • Lenient punishment, failing to deter and prevent crime (UK, N) • Lack of specialist training at all levels of the CJS (UK, N) • Non-specialist IWT prosecutors and judiciary (UK,

<p>(UK, N)</p> <ul style="list-style-type: none"> • National IWT priorities developed from intelligence gathering (UK) • Expertise at Environmental agency level (N) • Expertise on wildlife(UK, C, B) • Interest and motivation to save wildlife (UK, C,B) • Involvement of NGOs and environmental authorities (C, B) • NGO's central to response, providing intelligence, education, training and specialist advice and support (UK) 	<p>N)</p> <ul style="list-style-type: none"> • Non-specialist enforcement agencies, prosecutors and officers (N) • Inconsistent coding in police or court files for all IWT offences (UK, N) • Limited resources (personnel and money) and poor facilities for enforcement officers to enforce CITES (UK, N) • Routine destruction of wildlife confiscated under CITES (N) • Limited facilities for the care of CITES wildlife (UK, N) • General lack of awareness among people and control agents (N)
<p>Opportunities</p>	<p>Threats</p>
<ul style="list-style-type: none"> • Adoption of the ICCWC Wildlife and Forest Crime Analytical Toolkit (UK, N) • EU- Twix as a central communication tool between enforcement agencies internationally (UK, N) • Additional opportunities through forums and conferences for enforcement and non-enforcement agencies to meet regards IWT – nationally and internationally (UK, N) <ul style="list-style-type: none"> • Cooperation between all Stakeholders – in particular, NGOs, experts and enforcement agencies (UK, N) • Training of other EU and non-EU enforcement agencies by UK specialist officers (to build partnership, increase detection, enforcement and prosecution) (N, C, B) <ul style="list-style-type: none"> • Revision of national and international legislation in line with current understanding of animal welfare requirements and with attention to the organised crime element of the IWT (UK, N) • Communicate 'Best Practice' – all EU member states learn from successful enforcement strategies and practices elsewhere (UK, N) • The use of the enhanced (since 2004) IATA Regulations to improve the welfare of wildlife in the Trade (UK) 	<ul style="list-style-type: none"> • Porous borders, facilitating free movement of IWT across EU member states (UK, N) • Globalisation – growing markets and marketplaces (travelling and internet expansion) • Political interest and efforts outward facing, rather than 'putting own house in order (UK) • Failure of EU enforcement agencies to engage with EU-Twix (UK, N) • Failure of EU countries to establish common domestic policies and enforcement practices (UK, N) • Lack of continuity of expertise among enforcement agencies (UK) • Funding crisis – piecemeal funding causes uncertainty, reduces efficiency and effectiveness (UK) • Lack of priority in practice (i.e. priority of drugs seizures entail IWT is overlooked) [N,UK, C) • Offence Displacement (i.e. as other serious offences are increasingly targeted, displacement of offenders to IWT (N, UK, C, B) • High profit and low risk -many options for offenders and easy accessibility to wildlife(UK, C, B) • Diverse and growing cultural and traditional use of wildlife (UK, C. B) • Lack of resources to save wildlife (C. B, N) • Lenient or no punishment which fail to deter potential offenders and prevent IWT. (N.C. B. UK)

*UK = United Kingdom, N = Norway, C=Colombia, B=Brazil

5 Concluding Discussion and Policy Implications

This report evaluates the nature of and responses to the IWT through a literature review and case study in four locations – UK, Norway, Colombia and Brazil – applying a multi-method qualitative approach. As the participants involved in the research are experts in their respective fields, and due to the broad data set achieved, this research provides a comprehensive overview of the IWT in the case study locations. The study evaluates the IWT from three critical perspectives – the UK, a Member State (detailing issues likely to be replicated across EU); Norway, a country bordering and in economic partnership to the EU and thus subjugated to most EU regulations, and South America, source countries for the EU wildlife trade. The clandestine character of IWT implies that the most significant part of the trade most likely remains undetected and unregistered. As indicated in the methodology section, qualitative research is robust and reliable, however, this approach cannot provide a complete picture or be generalised to the broader context as this would require other methodologies and additional funding.

The global nature of the IWT makes it increasingly problematic due to the scale of trade, the harms that result and links to organised crime. The extent of these crimes is hard to estimate both in terms of economic costs, loss of biodiversity and the number of individuals who are lost to trade. The ‘dark’ figure is likely to be enormous due to the lack of priority given to the IWT and complacency among enforcement agencies. All four countries in the case study are parties to the CITES convention, but how the convention is enforced largely depends on priorities, political interest and resources available. Both in Norway and Brazil, the amount of the fine usually distributed as punishment for IWT offences depends on the economic value set on the “goods” in question; rather than on the intrinsic value of each animal victim. The data from Norway show; the law enforcement agents fail in establishing the correct monetary value of the animal, which is also a signal of low priority, as this is easy to assess. Although trafficking in endangered species is identified as a serious crime in both the UK and Norway, it is in fact poorly prioritized. This is also the case in Brazil and Colombia.

Using the knowledge gained from illicit markets more highly prioritised than the IWT can provide answers for the IWT. For example, Joossens (2012) established that while the high tax margin may provide the initial incentive for the illicit tobacco trade, the attractiveness for the suppliers is more complex than this. Other important factors include the ease and cost of operating in a country; industry participation; how well organized crime networks are; the likelihood of being caught; the punishment if caught; and corruption levels. Thereby, the IWT is likely motivated by classic demand and supply, but it is facilitated in demand counties by poor enforcement and weak punishment and in supply counties by weak regulation, governance, corruption, presence of criminal networks and deprivation. Resolution requires attention to each of these dimensions.

Diversified measures must be taken against the different parts of the poacher-consumer chain, depending on what motivates people to engage in IWT. Whether a punishment will have a deterrent effect would depend on what the offenders gain from their involvement in trafficking practices, and what they lose by abstaining from them. There are different motivations traced in the material depending on the role of the offender in the chain from poaching

to consumption. The usual punishment for WLT crimes – a fine – has generally little deterrent effect: First; the random tourist and other consumers of wildlife will often be unaware they are committing a crime, because such punishment is seldom made known to the public. Second, for those who engage in wildlife trafficking deliberately, knowing it is illegal, the faint risk of being caught is not deterrent; also because the punishment is so lenient that what they profit from animal trafficking outweighs by far what they risk. In Colombia and Brazil, trafficking in its various forms has long cultural traditions and roots, in regards to all the different motivations behind the engagement in the trafficking, whether food, medicinal, animal fights or pet keeping. People who are involved in IWL to buy luxury products in receiver countries in the EU may potentially be deterred by heightened risk of punishment.

When WLT is deeply associated with cultural practices, making people abstain from the harm demands other measures than merely punishment. For the poachers in the first part of the chain in source countries like Colombia and Brazil, an important question is whether they have alternative income sources, as well as what the risk is of being caught and punished as a consequence of the crime. The Patarroyo case showed that indigenous peoples who had no previous traditions in capturing animals turned to this practice when encouraged to. For those who have traditionally profited from taking animals such practices may be harder to turn: however, the parrot trade has been encouraged by a growing market including collectors, which means that poachers take the possibilities that are offered to make a living. Increased punishment is hardly an adequate measure to address these specific cases, rather other measures can be suggested. For example; the NGO Entropika, engaged in the Patarroyo case, is now looking for ways to commercialise the freeze-dried yellow chilli pepper, seeking to guarantee an alternative income for the families of ex-collectors of night monkeys for Patarroyo (The Living Rainforest n.d.) Similar efforts could be made with regards to other species (e.g. parrots). Eco tourism has been suggested as alternative income sources for indigenous groups through which they become protectors rather than destroyers of wildlife (Pires and Clark 2011). Costa Rica is a good example that this can be a successful strategy to protect wildlife from trafficking. Here 25 % of the land is natural reservations and hunting for sports was forbidden in 2012. Hunters can be punished with 4 months prison sentences and 3000 USD fines, and here the aim is also to stop hunting tourism. Interestingly; this legislation came as the result of a popular initiative by the NGO, La Asociación Preservacionista de Flora y Fauna Silvestre (Aprefflofas) which exemplifies the role NGOs have in protecting wildlife (see Cota 2012 and El País 2012).

In regards to middlemen, who in the South American material are characterized as professional and organized, it is more likely that punishment would have a deterrent effect and thus serve to reduce the crimes, and in these cases punishment should not be restricted to fines but available punishment alternatives, such as prison sentences and confiscation of earnings from the crimes. This would also convey a message to other, potential criminals who now choose this area of crime precisely because of the low risk of detection and if caught, the low penalties.

In regards to consumers' motivations, the pet trade is found in all locations, thus victimizing animals who are used for this purpose, especially reptiles and birds. The European (UK, Norway) consumer markets are further characterized by unnecessary luxury products, e.g. for decoration, clothing or collections, and the prevalence of tourists purchasing souvenirs which may be accepted as personal effects, thus providing a loophole and a threat due to the extent of such purchases. Another aspect of these markets is their global characteristic through which e.g. migration entails people to bring their practices with them and spread them to broader circles, for example the

use of WL in traditional medicine. Internet as a market place has increased its importance in consumer markets for luxury products, thus putting heavy pressure on many species.

Preventative measures must address the different kind of offenders. Concerning the most important group of offenders – the consumers of wildlife – education is vital. This should take place in kindergartens and schools from early age, to prevent potential and already actual consumers, e.g. in regards to food practices, collecting and pet practices, from being future buyers and poachers of wildlife. The law may play a role in this, but if legislation is not enforced, this may convey the opposite message; that these crimes are unimportant and therefore practices will proceed, as seen in Brazil. Laws which are not enforced will consequently not have any educative effect in changing norms (Aubert 1954). The instrument for normative impact which is inherent in the law through enforcement is therefore used to very little degree in the case study locations.

The role of the media in educating the general public and thereby actual and potential consumers could also be potent in raising awareness, by which the WLT whether according to or in breach with legislation could be constructed and propagated as the crime it is (Brisman and South 2014); however in Norway the media seldom publishes articles related to wildlife trafficking and its consequences, with rare exceptions for the iconic species like rhino, tiger and elephant; and thus fails in this respect. In the UK, increased awareness has been achieved through partnership between enforcement agencies and NGOs who provide evidence (e.g. publicise key seizures), education and advise to the general public.

While the focus on the consequences of the trade is generally anthropocentric regarding the loss of animal species to be mainly a human problem, it is necessary to expand this perspective to include the environmental costs to ecosystems and the innumerable animals that are victimised due to trafficking, for example when seized animals are routinely killed by authorities in Norway. Both in Colombia, Brazil and UK, rescue facilities for seized wildlife are in place. There is no system to handle confiscated animals in Norway. Therefore the handling of the animals and their destiny is decided from case to case on an ad-hock basis, usually entailed by their destruction. While in the UK, the ARC provides at least some facility for the wildlife seized, this was not built to house all live seized animals and is not purpose built for long-term residency.

Although the main focus in these case studies has been on the breaches of laws and regulations in relation to CITES; the overall perspective of this case study is that even when not in conflict with laws and regulations WLT may be defined as a crime (see EFFACE analytical framework p.5), through which the intention is to create awareness of the phenomenon in question. The concept of harm is central, both in the critical criminology (e.g. Hillyard et al 2004), and in green criminology (e.g. South 2007 Walters et al 2013), and also to use the term *crime normatively* for harms which are not criminalized. Usually and although in the case of animals harms are only criminalized at certain conditions, within green criminology they may still be conceptualised as crimes (see Beirne and South 2007; Walters 2010; White 2013; Brisman and South 2014; Stretesky et al. 2013).

A general reservation on this basis is therefore that CITES legitimates and encourages the trade and trafficking in animals, and therefore serves to maintain and prolong what in perspective of the harms involved – and from an eco-justice and species justice perspective – must be defined as a crime, either way (Sollund, 2011).

In addition, and as shown through the literature review and on basis of the data; CITES regulations facilitate an illegal market through the possibilities of forgery of documents, corruption and laundering. It is therefore a

question whether CITES is the right instrument to prevent IWT the way IWT has developed of the last five decades.

5.1 Policy Implications

This section outlines the policy implications that must be considered in future responses to the IWT. Despite the international political will and promises to eradicate the IWT, the trafficking of wildlife is increasing, suggesting there are significant practical limitations in the response to these offences, our understanding of offender's motivations and how to dissuade such offenders. These limitations should be a cause for concern and thereby require action on behalf of the case study countries. This section suggests ways in which the EU, generally and UK and Norway specifically^{xv} can improve their response to the IWT.

EU

- Revise EU regulations and legislation relating to the IWT (e.g. EU1-2005).
- Encourage all Member States to review their domestic wildlife crime legislation in order to respond to the current IWT issues and to ensure EU policy/legislation is enacted in an appropriate and consistent manner by each member state.
- Update Council Regulation (EC) No 1/2005 in line with the enhanced welfare standards set out in the IATA LAR 2014/5 as part of CITES compliance.
- Place animal welfare centrally in the CITES regulations, in recognition that the 'goods' trafficked are or have been sentient beings. Clarify the position of the EU in relation to the responsibilities toward confiscated live animals and require all Member States to report annually on the outcome for all confiscated animals (e.g. rehomed, returned to the wild, euthanized).
- Ensure all Member States implement and enforce the EU Wildlife Trade Regulations uniformly as failure to do so will place all Member States at risk.
- Require Member States to report transgressions of the IATA LAR by airlines to the Traces system (used for re-entry documents) to make transport companies accountable for their actions and to prevent future infringements.
- Require all Member States to train relevant enforcement and agency personnel to use EU-TWIX and to engage regularly with the system.
- Encourage all Member States to utilise the ICCWC Wildlife and Forest Crime Analytic Toolkit as a comprehensive resource with relevant tools and measurements to ensure a consistent and joined-up approach to responding to the IWT.

- Encourage Member States to develop a consistent and collective approach to monitoring the Internet for IWT and penalise owners of internet sites (e.g. Ebay) which facilitate the IWT through internet auctions
- Reduce the 'dark' figure of crime through the development of more accurate measurement of the prevalence, nature and impact of IWT.
- Enable transparency in IWT prosecutions and outcomes by requiring all Member States to complete a report on sentencing outcomes for IWT prosecutions.
- Develop further opportunities (e.g. Fora) for IWT experts and agencies to discuss the IWT response, to share expertise and intelligence and to facilitate multiple agendas (e.g. political, business, welfare, etc...).
- Identify successful strategies to reduce consumer demand across the EU for health and beauty products, luxury foods and pets linked to the IWT.
- Further facilitate the cooperation between expert NGOs and enforcement agencies in Member States.
- Develop a strategy which will enable Member States to prevent and respond to the development of new markets for demand.
- Enhance compliance through educational and awareness campaigns (i.e. info at all airports, tourists' sites and involvement of stakeholders such as airlines and travel agents).
- Continue to support demand countries in their efforts to prevent the trade before it reaches our shores, through financial aid, training and education. Put measures in place to ensure financial support is used to respond to the IWT and to enhance the welfare of the local communities and wildlife involved in the trade.
- Encourage the use of UN troops to support wildlife rangers in source countries where war groups and organised crime groups are involved in poaching.
- Utilise the strategies and agencies already in place to respond to other serious organised crimes (e.g. Europol, Eurojust, EU Anti-money laundering directive) to enhance the identification, enforcement and prosecution of IWT cases.
- Allocate resources in each Member State to train dogs to detect wildlife at central airports/ports and borders.
- Allocate funding to support research on the IWT, with a special focus on offenders and consumers motivations Enhance the communication strategy for informing Member States of key changes in CITES (and thus EU) regulations and policy, which enhances dissemination to all key stakeholders.
- Provide specialist IWT training for all CJS agencies, to ensure IWT cases are identified, supported and prosecuted consistently and appropriately in all Member States.

UK

Many of the above points are also relevant at UK level, additionally the UK should:

- Revise COTES and CEMA and consolidate all relevant wildlife crime legislation into one new Act to enhance consistency, compliance, enforcement and prosecution.
- Provide training and sentencing guidelines to the CPS and judiciary to enhance prosecution and punishment of IWT offenders.
- Conduct an audit of funding and resource management for the IWT, taking a proportional look at resources provided for other serious offences. Develop a strategy, in response to this, to ensure funding for specialist IWT agencies and personnel and to resource detection of IWT (e.g. with detection dogs in locations other than Heathrow).
- Adopt relevant parts of the ICCWC Wildlife and Forest Crime Analytic Toolkit to conduct a comprehensive analysis of the strengths and weakness of the CJS and other responses to the IWT and an evaluation of the serious and organised nature of the trade.
- Create a specific wildlife crime code to enable transparency in enforcement and a more accurate measurement of police and prosecution cases.
- Make a formal commitment to protect confiscated wildlife from euthanasia and to provide additional funding to ensure their welfare thereafter (e.g. rehoming in suitable accommodation, provision for short-term accommodation at key locations).
- Enhance the development of ‘intelligence’ on the IWT, particularly with reference to organised crime and prolific offenders.
- Continue to support and encourage partnership work between CJS agencies, NGOs and stakeholders.

Norway:

- Speed up and effectuate the revision of CITES regulations.
- CITES cases should be prioritized by police and customs, all cases should be investigated.
- CITES cases should consistently be brought to Court to state examples and create awareness rather than being settled with fines, as these are not deterrent.
- The full potential of the existing laws and regulations should be applied rather than punishing these crimes as misdemeanours.
- CITES targets should be introduced for customs and police like for other serious crimes, e.g. drug crimes
- Coding of CITES cases should be consistent making it possible to get an overview of registered CITES crimes.
- Increase training of front line officers and investigators in customs and police about CITES, as well as in the Police University College and in customs basic education program.
- CITES cases should not only be left to environmental police officers in the different police districts because these officers are also responsible for environmental crimes in all respects, including work environmental crimes etc, leaving little resources to CITES.
- Increase focus on the freight companies where many CITES products most likely pass undetected.
- A reception centre for seized animals should be established to avoid euthanizing trafficking victims for lack of rescue facilities.

- Information about CITES should be made public at all travel points, e.g. ferry harbours, airports etc.
- Increase and regularize cooperation between stakeholders like police, customs, Food safety authority and Norwegian Environmental Agency

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ⁱ WHO indicates 75% of emerging infectious diseases, such as Ebola, are zoonotic.

ⁱⁱ The Actions include; eradicating the market for illegal wildlife products, ensuring Effective Legal Frameworks and Deterrents, strengthening law enforcement, sustainable livelihoods and economic development, the way forward.

ⁱⁱⁱ Regulations include: 1) Council Regulation (EC) No. 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein including the Annexes containing a list of species regulated in trade. 2) Implementing regulation: Commission Regulation (EC) No. 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 by regulating trade therein. These two regulations constitute the legal framework for all EU governments and regulate international as well as internal trade in wild animals and plants in the EU.

^{iv} Two interviews involved a group and 1 interviewee held dual roles in customs and the police

^v Interviewees who wanted to be credited for their participation in the project are: Claudia Isabel Brieviar Rico, Bernardo Ortíz von Halle, Javier Cifuentes, Márcia Gonçalves Rodrigues, Claudia Terdiman Schaalmann, Daniela Desgualdo, Wilfredo Pachón, Ricardo Gandara Crede, Claudia Rodríguez, Marcelo Robis Francisco Massaro, Angela Maldonado

^{vi} These cases may also involve CITES species, however, for the purpose of this report it was not possible to analyse these, due to the large number of documents involved (one case may involve hundreds of pages). The fact that various regulations and laws are applied in the police's coding of these cases is a finding which shows the difficulties in getting an overview of CITES cases in Norway.

^{vii} For further information see section (4) - Data storage (Home Office 1998).

^{viii} See also House of Commons (2012)

^{ix} See EUR-LEX (2014) for the new annex to Council Regulation EC 338/97 come into effect Dec 2014

^x There have been previous calls for the EU to ban (or as a minimum, provide strict regulation of) the reptile trade

^{xi} Under the previous definition of 'worked' (e.g. ivory that is carved or mounted) most antiques were exempt from the stricter controls (e.g. EC certificate/Article 10) placed on unworked items (e.g. uncarved ivory tusk). Under the new definition, many more antique items would now require a license (Article 10 certificate) from the Wildlife Licensing & Registration Service before they could be sold, while 'stricter measures' governing the sale of unworked elephant ivory, rhinoceros horn and tiger parts now mean that some of these items have effectively been banned.

^{xii} Revised in 2009.

^{xiii} FOR-1976-11-20-3 Regulation of 20.November 1976 about the prohibition against the importation, commercialization, or keeping in captivity of alien (exotic) animals. (§1). Other regulation which apply are FOR-2004-02-20-464 about the animal welfare conditions for import of live animals. <http://lovdata.no/dokument/SF/forskrift/2004-02-20-464> <http://lovdata.no/dokument/SF/forskrift/1976-11-20-3>. And FOR-1991-07-02-507. Regulation about prohibition of imports of animals and other contagious objects (sic). <http://lovdata.no/dokument/SF/forskrift/1991-07-02-507>.

^{xiv} An independent charity helping law enforcement agencies to locate criminals and help solve crimes, providing an anonymous 24/7 phone number for the public to call and report a crime

^{xv} The suggestions for policy changes will be limited to these locations as EFFACE project funding did not facilitate analysis of these themes in the South American data.