

# Law enforcement of the illegal wildlife trafficking: a comparative strengths, weaknesses, opportunities and threats analysis of the UK and Norway

**Jennifer Maher**

*University of South Wales, UK*  
Email: [jenny.maher@southwales.ac.uk](mailto:jenny.maher@southwales.ac.uk)

**Ragnhild Sollund**

*University of Oslo, Norway*  
Email: [Ragnhild.sollund@jus.uio.no](mailto:Ragnhild.sollund@jus.uio.no)

**Abstract:** *The EU is a key location for illegal wildlife trade [IWT]: a point of transit, a market for consumers and, to a lesser degree, a source. Global and difficult to control, wildlife trafficking is increasingly identified as a serious, organized and transnational crime with far-reaching consequences for both humans and nonhumans. Anchored within a green criminology harm perspective, this article aims to further understanding of official responses to the IWT by evaluating a comparative case study on the trade in the UK and Norway, using a strengths, weaknesses, opportunities and threats [SWOT] analysis. It is based on data from a multi-method qualitative case study (in the UK, Norway, Colombia and Brazil) conducted as part of the EFFACE project; through interviews with key stakeholders, observation, and document analysis, this study identified common and different features of the nature of, and responses to, IWT. While primarily concerned with evaluating responses, this article also makes recommendations for improvement. Findings suggest official responses are complex, diverse, and vary considerably in each location, including effectiveness. To cease as key destinations for IWT, the UK and Norway must acknowledge the serious, negative consequences and increasingly organized nature of IWT, strengthen political will, reform their responses (improve support, increase resources and the severity of punishments/penalties), and better integrate the role of NGOs in the enforcement process and in establishing alternative responses.*

**Keywords:** Illegal wildlife trade; wildlife trafficking; SWOT; Green Criminology; species justice; law enforcement

## Introduction

The trafficking of wildlife is increasingly recognized as a serious and organized crime which impacts significantly on the environment, society, economy and security, nationally and internationally (Schneider, 2012; Wyatt, 2013). Increasing international concern is evidenced by the role global (e.g. United Nations, Interpol), and international (e.g. European Commission, International Consortium on Combating Wildlife Crime [ICCCWC]) entities and consortiums, national governments (e.g. UK) and civil society (e.g. TRAFFIC<sup>1</sup>) have played in bringing together global leaders and stakeholders who have pledged to eradicate IWT. In the past three years alone, high profile events have produced international declarations, resolutions and operations aimed at enhancing political momentum and policy responses (herein referred to as responses) to IWT (e.g., the 2013 Bangkok 16<sup>th</sup> Conference to the Convention on International Trade in Endangered Species of Wild Flora and Fauna [CITES]<sup>2</sup>); the 2014 European Commission [EC] IWT Conference and Workshops; the 2014 European Parliament Resolution on Wildlife Crime; and the 2014 London IWT Conference and Declaration).

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<sup>1</sup> TRAFFIC is the leading global NGO wildlife trade monitoring network: [www.traffic.org](http://www.traffic.org)

<sup>2</sup>CITES, a voluntary international agreement between governments

Despite this growing concern and apparent demonstration of international political will, IWT is growing fast, suggesting that current responses are inadequate, perhaps lacking understanding of offenders' (including consumers') motivations and how to dissuade and deter. As Yury Fedotov, Executive Director of the United Nations Office on Drugs and Crime (UNODC, (2013:np), suggests: "...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". Through a SWOT analysis – a framework for analyzing strengths, weaknesses, opportunities and threats - this article aims to advance understanding of current policy responses, identify their limitations, and offer suggestions for improvements. The SWOT analysis is based on a comparative case study on the IWT in the UK and Norway, part of the EFFACE project (Sollund and Maher, 2015). This multi-method qualitative study focused on the IWT (predominantly on terrestrial fauna) in the UK, Norway, Colombia and Brazil<sup>3</sup>, and aimed to identify common and unique features of the responses in these four locations, whilst also exploring the various motivations for why people engage in the trade, the nature of the trade, and types of victimization. A key objective of the EFFACE project was to make policy recommendations that built on good practice and addressed shortcomings.

The development of policy recommendations is strongly linked to SWOT analysis<sup>4</sup>. Identified as an effective and objective way to determine how capable a response is when it comes to surviving threats and capitalizing on opportunities, SWOT considers the impact of many different internal and external factors (Dealtry, 1992). SWOT analysis is neither the first nor the last step in the process and must be based on sound knowledge about the present environment and trends. The key literature, against which the strengths and weaknesses are judged, is therefore evaluated first. A brief account of the methodology is presented next, followed by an overview of responses in the case study locations which are discussed and evaluated through SWOT analysis. Conclusions from this analysis are examined in the recommendations section, where a forward analysis of policy opportunities, in line with the green criminology harm perspective, is presented. The focus of the article is thus empirical rather than theory development.

## **Background**

The IWT involves the "illegal trade, smuggling, poaching, capture or collection of endangered species, protected wildlife...derivatives or products thereof" (Wyatt, 2009: 145). It is currently identified as one of the largest illegal trades worldwide, positioned among the illegal drugs, arms and human trafficking trades in regards to economic value (UNODC, 2012; Wyatt, 2013). Due to the clandestine character of this trade, weak controls and enforcement, and inconsistencies in recording offences, the scale of IWT is difficult to measure. What is agreed is that IWT is increasing both in quantity and in value (TRAFFIC, 2008). In particular, practices which involve the use of animals in food (e.g. expensive delicacies like pangolin) and medicine (e.g. rhino horn and tiger bone powder) are widespread. This growth is believed to be facilitated by globalization (open borders and an expanded marketplace), the internet, which is said to play a significant role as an intermediary between supply and demand (IFAW, 2008; Interpol/IFAW, 2013; Lavorgna, 2014), and the migration of cultural practices; as witnessed in the EU (Van Uhm, 2014).

To place the IWT in an economic context, the legal trade in wildlife has been estimated to be worth from 159-160 billion USD (Duffy 2010) to over 300 billion USD annually (Lawson and Vines, 2014). The illegal trade has been valued at 20 billion USD (Galster cited in South and Wyatt, 2011). From a harms perspective, each year the IWT results in millions of lost lives, a substantial number of which are killed for their parts or die during capture or in captivity (RSPCA, n.d.). The crude and harsh methods by which live animals are trafficked reportedly cause up to 90% loss of life for reptiles

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<sup>3</sup> Colombia and Brazil are omitted in this analysis due to space limitations.

<sup>4</sup> SWOT is widely adopted in academic research, public administration and policy development throughout Europe, used to select policy, priorities and ensure horizontal policy coherence in their national strategies for sustainable development (Markoska et al 2009).

and rare birds (Warchol et al., 2003; Sollund and Maher, 2015). Already depleted populations of iconic species (e.g. elephants) are currently being killed at an unprecedented rate. According to Bailleet al. (2004), the IWT threatens a third of the world's species. Consequently, and almost impossibly, CITES (2014) currently monitors 35,000 wild species, of which roughly 5,600 animal species are listed as threatened. Growing concern over the loss of biodiversity and the widespread consequences of the trade has generated international political interest and policy responses aimed at eradicating the IWT. However, as long as IWT generates high profits (rhino horn, for example, is worth more than gold) and remains low risk (Europol, 2013; EC, 2014), would-be traders are unlikely to be deterred by current responses.

Beyond the ineffectiveness of deterring human involvement in IWT, policy responses also seem to be failing in considering animal welfare, possibly even offering possibilities for further harm (e.g. euthanasia). Harm (to animals and humans) is a central concept in this case study. The values underlying this analysis are thus consistent with those prevalent in green criminology, such as ecological justice, species justice and environmental justice (see Beirne and South, 2007; White, 2013). Green criminologists (Fitzgerald, 2010) acknowledge that animals are victims, not least those traded (e.g. Cao and Wyatt, 2013). This perspective recognizes these victims as individuals with intrinsic value and interests in living unharmed (Regan, 1983). Yet, 'speciesism', a human prejudice and ideology that counteracts the interests of non-human species, facilitates the exploitation and harm of wildlife in many ways – often not in breach of the law. Speciesism is sustained by capitalist and consumerist practices (Stretesky et al., 2013; White, 2013) and is compared to racism and sexism (e.g. Nibert, 2002). However, while speciesism is likely to be a driving force for the IWT and the responses to it, due to the empirical, policy approach of this article, it is looked at here only briefly and only in reference to recommendations.

The foremost support for responses is the CITES convention. It requires Member State parties (there are 181 parties, including the UK and Norway since 1976) to monitor and regulate the wildlife trade through dedicated domestic legislation based on three lists – Appendix I, II and III – which respectively ban, regulate and monitor trade. It is important to clarify that under CITES trade is only banned for critically endangered species; with many species neither listed nor protected by the convention, it has been subject to heavy criticism (Sollund, 2011). And while there is no empirical assessment of CITES, Reeve (2002) 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 (making the permit system irrelevant) and chronic underfunding. Furthermore, Warchol et al.'s (2003) study, among others (Wyatt, 2009; UNODC, 2012; Van Uhm, 2014), argues that forgery, fraud and corruption further compromise CITES. For example, trafficking in birds involves various forms of fraud, including forging CITES certificates/permits, 'laundering' illegal with legal birds and under-reporting numbers, selling wild caught birds as locally bred and smuggling birds in air freight. Both the aforementioned Director of the UNODC and John E. Scanlon, Secretary General of CITES, have argued for harsher prosecution and punishment of CITES offences, especially when organized criminal networks are involved. They have highlighted deficiencies in responses to international criminal activity, particularly with regard to legislation, law enforcement, criminal analysis and international cooperation (CITES 2013). Organized crime within the IWT is a concern also raised by Interpol, Europol, the UN and the EU. According to Europol (2011), the European IWT is, in part, organized by crime groups within the EU. Consequently, there have been moves to categorize the IWT as a serious and organized crime, to encourage a more robust enforcement approach and to punish offenders more severely: in 2013 both CITES (at the 16th meeting of the Conference of Parties) and the UN Commission identified the IWT as a serious crime and encouraged Member States to adopt strategies used successfully to tackle other serious crimes (CITES 2013). Key NGOs and stakeholders also contribute to the enforcement response. In addition to providing data, advice and funding for enforcement agencies (see TRAFFIC, World Wildlife Fund for Nature [WWF], World Animal Protection [WAP]), they provide non-

enforcement prevention and intervention strategies aimed at helping both human and non-human victims.

## **IWT in Case Study Locations**

### **UK**

The UK comprises four countries: England, Northern Ireland, Scotland and Wales. Although law enforcement has devolved in Northern Ireland and Scotland, many of the agencies responsible for responding to IWT operate across the UK, thus the focus of this article is UK-wide. The annual UK legal wildlife trade has been valued at up to 50 million pounds (Department of Environment, Food and Rural Affairs [DEFRA], 2015) and it is recognized as a major consumer and transit point for the IWT (and to a lesser degree, a source for raptors). Between 2001 and 2010 the EU-TWIX database recorded more than 50,000 confiscations in the EU, many of which were products destined for the Traditional Chinese Medicine [TCM] market (Van Uhm, 2014). Border Forces (UK customs agency, henceforth called customs) made 509 CITES seizures in 2014, including 23 live animals, 139 animal products, 22 caviar, 14 coral, 39 ivory and 208 TCM preparations (containing animals and/or plants) (Data.gov.uk, 2014). Each seizure represents one incident rather than the actual quantity seized. For example, the 23 live animal seizures totalled 1,289 individual animals. It is seldom easy and sometimes impossible to accurately and precisely quantify the IWT due to the challenges of identifying animals/products. Much IWT stems from demand for luxury products. Products typically reach the UK via sea and air ports through a variety of methods (e.g. holiday souvenirs placed in luggage, items concealed on persons, online purchases via postal packages and items concealed in large freight). Importantly, the EU single market plays a role in the IWT: once wildlife is smuggled into the EU it can move here unchallenged; effectively, the success (or failure) of border responses in other EU countries have serious consequences for UK enforcement.

In response, CITES is implemented at an international level through the EU Council Regulations (338/975) and nationally through the Control of Trade in Endangered Species [COTES6] (1997 – this legislation is currently under review). The three CITES appendices are divided among four Annexes in the EU regulations and COTES. Annexes A, B and C largely correspond to CITES Appendix I, II and III, but also contain some non-CITES-listed protected species. Annex D includes additional monitored species (EC, 2010). The Customs and Excise Management Act [CEMA7] 1979, the Animal Welfare Act [AWA8] 2006 and the Wildlife and Countryside Act 1981 (and additional wildlife legislation) may also be used in response to IWT offences. EU regulations require the UK to designate one management authority [MA] and at least one scientific authority [SA] to oversee the enforcement of CITES. DEFRA (Wildlife Division), the UKs management authority, is supported by ministerial (Home Office) and non-ministerial departments, government (including the JNCC - scientific authority for animals) and non-government advisors agencies (who coordinate partnership work between statutory agencies and NGOs) and criminal justice agencies (see Figure 1). As many agencies share complementary responsibilities in CITES, close cooperation is necessary for efficient and effective regulation and enforcement. The agency responsible for confiscating IWT animals is responsible for their welfare, this may include the disposal (usually rehoming) or non-disposal (return to owner – possible under the Police and Criminal Evidence Act 1984<sup>10</sup>) of these animals. The purpose-built Heathrow Animal Reception Centre [ARC] provides short-term accommodation for all confiscat-

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<sup>5</sup> Also Council Regulation (EC) No. 865/2006, which constitute the legal framework for WT for EU Member States: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997R0338:EN:HTML>

<sup>6</sup> <http://www.legislation.gov.uk/uksi/1997/1421/contents/madeand>

<http://www.legislation.gov.uk/uksi/1997/1372/contents/made>

<sup>7</sup> <http://www.legislation.gov.uk/ukpga/1979/2>

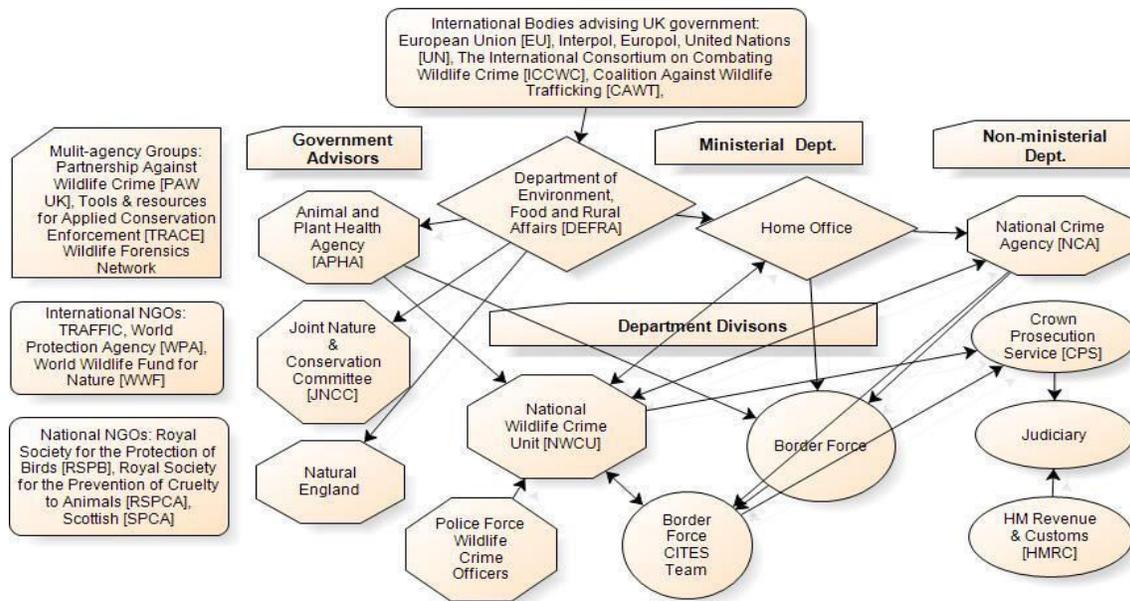
<sup>8</sup> <http://www.legislation.gov.uk/ukpga/2006/45/contents>

<sup>9</sup> <http://www.legislation.gov.uk/ukpga/1981/69/contents>

<sup>10</sup> <http://www.legislation.gov.uk/ukpga/1984/60/contents>

ed/seized wildlife. National and international NGOs are also central to the UK response, providing financial support, scientific and welfare evidence and advice, and facilitating public and political education and awareness. There are also many specialist interest groups with a stake (e.g., Taxidermy Law). Despite differences in roles, responsibilities, powers, focus and objectives, all those involved in interrupting, exposing and obstructing IWT work closely together.

**Figure 1**



## Norway

Norway, on the edge of northern Europe, has a long coastline and borders with Sweden, Finland and Russia, and roughly five million inhabitants, of which approximately 750,000 are immigrants or of immigrant descent (Statistics Norway, 2015). A very affluent country due to a large oil industry, Norwegians travel extensively and many have the means to purchase material goods, including wildlife products. It is predominantly a consumer country for IWT (with the exception of raptors, mainly). Consumer practices include those of ethnic minority populations whose cultural practices in wildlife consumption diverge from ethnic Norwegians'. Animals are trafficked to Norway by plane, ferry, car, in luggage, as well as through freight companies. Offenders take advantage of porous borders and try to traffic wildlife (e.g. parrots) with other contraband (alcohol and tobacco) through customs (border-crossing points) with fewer, less regular controls, than at the Svinesund border (a main crossing point between Norway and Sweden).

The Norwegian CITES regulation November 2002 nr. 1976<sup>11</sup> (revised in 2013) is based on the Law of biodiversity<sup>12</sup>, The Wildlife Law<sup>13</sup>, the Law on Regulation of Importation and Exportation from 6 June 1997<sup>14</sup>, Law about Svalbard<sup>15</sup>, and the Law about Jan Mayen<sup>16</sup>. Often the Animal Welfare Act<sup>17</sup>, with related regulation against the importation, trade and keeping of “exotic species”<sup>18</sup>, is applied in

<sup>11</sup> <https://lovdata.no/dokument/SF/forskrift/2002-11-15-1276>

<sup>12</sup> <http://lovdata.no/dokument/NL/lov/2009-06-19-100>

<sup>13</sup> <http://lovdata.no/dokument/NL/lov/1981-05-29-38> (Revised 2009).

<sup>14</sup> <http://lovdata.no/dokument/NL/lov/1997-06-06-32>

<sup>15</sup> [https://lovdata.no/dokument/NL/lov/1925-07-17-11/KAPITTEL\\_1#KAPITTEL\\_1](https://lovdata.no/dokument/NL/lov/1925-07-17-11/KAPITTEL_1#KAPITTEL_1)

<sup>16</sup> <https://lovdata.no/dokument/NL/lov/1930-02-27-2/%C2%A72#%2>

<sup>17</sup> <http://lovdata.no/dokument/NL/lov/2009-06-19-97>

<sup>18</sup> <http://lovdata.no/dokument/SF/forskrift/1976-11-20-3>

IWT cases. Police and customs variously apply these different laws and regulations (even in their statistics), and whether or not an animal in question is CITES listed is often unclear. This makes it impossible to establish an accurate overview of CITES cases, determine in a given period how many cases involve trafficking of CITES-listed animals, or confirm how such crimes are solved.

Between 2008 and 2014, 1839 animals and animal products were seized, including various parrot and reptile species, Siberian tiger, leopard, brown bear, lion, crocodile and alligator, sea horse, hippo, corals and elephant ivory, according to The Customs Directorate<sup>19</sup>. As in the UK, the quantity of animals seized by far exceeds the number of seizures. Sadly, few CITES cases have been brought to trial in Norway. Most are regarded as misdemeanors rather than crimes, which is one reason why they are not prioritized by police and prosecutors (Svae-Grotli, 2014). Most trafficking cases result in fines spanning from 2000-15000 NOK, though typically less than 5000 NOK (635 USD) (Sollund, 2013a). The police impose fines and if fines are accepted the case will not go to trial.

In Norway, the Norwegian Environment Agency is responsible for CITES and is the formal owner of all wildlife. It is also the agency which is consulted by customs and the police when animals are seized, to establish whether CITES species are involved, to regulate the required permits and to decide the destiny of seized animals. The Food Safety Authority is responsible for animal welfare and care for seized animals, though there are no specific rescue facilities for receiving confiscated CITES animals. If Kristiansand Zoo and the Oslo Reptile Park decline seizures, the animals are commonly euthanized. 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 – it responds to ‘serious’ crimes only – and is the main source of specialist skills for the police and the prosecuting authorities, although there are officers with a specific responsibility for environmental crime in each police district. In practice, most cases are concluded at police district level, through fines.

## Method

Case study data were collected by means of semi-structured interviews and observations with experts including NGOs, environmental authorities, law enforcement agents and, in Norway only, offenders. Analysis of penal cases, verdicts and confiscation reports further supplemented these data. Interviews lasting between 1-3 hours were recorded, transcribed and then analyzed using QSR NVIVO software and a grounded theory approach (Glaser and Strauss, 1967). Direct observations in the UK and Norway focused on key agencies responsible for responding to the IWT (e.g. air and port customs and police headquarters). In the UK, unstructured overt observations, with access to restricted areas, were undertaken at four sites over a period of 1-2 days (per site); work processes were observed and discussed with key agents. Both purposive and snowballing sampling techniques were used to identify participants who possessed both first-hand experience with and knowledge of the IWT. A sample of 28 expert interviews (UK: 11, Norway: 12 and 5 offenders) and five observations (UK: 4, Norway 1) was achieved. In Norway, documentary analysis was conducted on 46 customs confiscation reports (for confirmed CITES cases) – in addition to seven CITES verdicts<sup>20</sup> (i.e. CITES was used as an argument and relevant legislation applied). Where possible, these cases were traced through the judicial system to identify how they were prioritized, processed and punished. Although this study cannot identify the prevalence of IWT, nor evaluate the responses from all key stakeholders (every methodology has limitations), the adoption of multi-method, multi-site data collection and multi-agency participation, in addition to the in-depth systematic literature review, delivers robust findings<sup>21</sup>. SWOT analysis was conducted by evaluating the interview and observation data, through which participants were asked questions about their response: what works well (strengths); what causes concern

<sup>19</sup> Statistics provided upon request.

<sup>20</sup> Norwegian data also included 87 penal cases coded as (2510): Illegal importation of alien wildlife species (under the Wildlife law § 47) and 723 penal cases coded as (5901) Illegal importation/dealing with exotic species § 30 nr.76 (Under the animal welfare act), by the police

<sup>21</sup> This research was conducted in accordance with the ethical guidance of the EC, British Society of Criminology, University of South Wales, the Norwegian Social Science Data Services and NESH (The Norwegian National Research Ethics Committees).

and needs improvement (weaknesses); what else could be done (opportunities); and what are the key challenges (threats). By analyzing participants' answers, SWOT analysis identified how to build on strengths, eliminate weaknesses, exploit opportunities and mitigate the effects of threats (Dealtry, 1992).

**Discussion**

The SWOT analysis gave rise to a host of issues too numerous to discuss here. This perhaps reflects the complexity of responding to the IWT. The strengths, weaknesses, opportunities and threats that are addressed are summarized in Table 1. It is important to note that strengths and weaknesses are frequently alternative conclusions for the same issues and are best thought of in an analytical process at the same time (Elvan and Tucker, 2014) and are therefore discussed simultaneously, below. Similarly, opportunities to enhance responses are often inhibited by the threats facing the IWT response, and so are also discussed jointly. The discussion continues with recommendations for addressing the deficiencies identified in the SWOT analysis.

**Key Findings**

The research findings suggest that the nature of the IWT in the UK and Norway is similar. Specifically, the type of animal victims, offender motivations and the nature of the marketplace are consistent: wildlife is used in the pet trade, and in the use of a wide range of luxury products and collector items. Both countries respond through international treaties and domestic legislation which support the enforcement, prosecution and judicial response. These responses are complex and diverse, necessitating multi-agency cooperation. A theme common to both locations was the importance of a small number of key personnel working together to prevent and respond to the trade; without them, responses would be seriously impaired. Deficiencies in both countries were evident, specifically linked with limited funding and prioritization within the criminal justice system. However, when responses were further evaluated, variations appeared in both practice and effectiveness. These variations stem from the level of awareness of the serious negative consequences of the IWT, which directly impacts upon political and criminal justice system support for legislation, enforcement and punishment of offenders. The UK's multi-agency and specialized IWT enforcement response contrasts starkly with the insufficient Norwegian operation. The integrated role of NGOs in the UK enforcement process and in developing non-enforcement responses also contrasts with Norway, where NGO involvement is mostly absent. UK and Norwegian experts and practitioners alike argued that an effective response was one that was intelligence led, systematic, integrated and synergistic; they cited the importance of cooperation between enforcement agencies and NGOs and the necessity for increased prioritization of these crimes by criminal justice systems.

**SWOT Analysis**

\*Table Key: (UK) = United Kingdom only, (N) = Norway only

Strengths	Weaknesses
National legislation compliant with CITES Reptiles banned by legislation with a few exceptions (N)* Classification of the IWT as a serious crime Specialist IWT enforcement agencies and officers and training for frontline staff (UK, N)* Effective partnership work and communication between international enforcement agencies, including shared data systems at EU level (UK) Intelligence-led national IWT priorities (UK) Effective partnership work between enforcement	Incoherent/outdated domestic legislation (UK) Inconsistent application of laws and regulations Non-compliance and difficulty enforcing complicated CITES regulations (limited public and stakeholder awareness) Poor transparency in CITES cases through the CJS due to inconsistent coding in police and court files for all IWT offences Limited financial (and other) resources to

<p>and with non-enforcement agencies (UK)                  CITES proficiency at Environment(al) Agency                  NGOs central to the IWT response, providing intelligence, education, training and specialist advice and financial support (UK)                  Specialist facilities for the care of CITES wildlife (UK)</p>	<p>enforce CITES                  Weakness in investigation, prosecution and sentencing of offences, with limited specialist training of agency staff                  Routine destruction of wildlife (N) and limited facilities for the care of wildlife</p>
<p>Opportunities</p>	<p>Threats</p>
<p>Revision of national and international legislation in line with current animal welfare requirements and controls for serious and organized crime                  Adoption of the ICCWC Wildlife and Forest Crime Analytical Toolkit                  Engagement with EU-TWIX as a central communication tool between EU enforcement agencies (and further development of similar systems beyond EU borders)                  Communication of ‘Best Practice’ in training, and enforcement to other EU Member States                  Engagement for all stakeholders through international and national fora/conferences                  Closer cooperation with NGOs to enhance IWT intelligence and responses                  The use and development of new enforcement techniques and technology                  Introduce restorative justice approach for victims</p>	<p>Porous country borders across EU (and other European) Member States                  Failure to establish common EU policies and enforcement practices (UK)                  Failure to prioritize the IWT, outward facing political interest and efforts (UK)                  Financial crisis – reductions in public budgets threatening specialist CJS agencies and intelligence gathering                  Failure of all EU enforcement agencies to engage with EU-TWIX                  The IWT perceived by offenders to be a high profit and low risk offence; offenses displaced rather than prevented                  Increased accessibility to vulnerable wildlife and expanding markets (growing cultural traditions and uses) and marketplaces (including online) fueling the IWT                  Limited resources and responses when wildlife enters the trade</p>

## Strengths and Weaknesses

### Legislation

Both countries have enacted CITES in national legislation. In Norway, breaches of the CITES regulation potentially incurs a maximum three-year prison sentence, depending on which law is applied (see above). Applied to their full potential, these laws could, hypothetically, have a deterrent effect. However, frequent use of the AWA (which prohibits the import and possession of exotic species) rather than CITES regulations, by the police and prosecutors, means these offences are not notifiable<sup>22</sup>, thereby omitting would-be CITES cases from official statistics. This is particularly salient in hundreds of penal cases where an ‘exotic species’ is seized in relation to other crimes: classified only as ‘animal welfare’ offences, these animals cannot be confirmed as CITES species. Regardless of whether recognized as CITES or AWA (which also allows for up-to three years custody), offences are seldom brought to court. Without additional charges for ‘more serious’ offences, offenders commonly receive fines. These fines, also the norm in UK CITES cases, were criticized by interviewees on the basis that current legislation has provision for much tougher punishment. For example, CITES offences may fall under COTES (five years custody and/or an unlimited fine), CEMA (seven years custody and/or an unlimited fine), in national animal welfare/wildlife laws (e.g., AWA 2006 – a fine and/or six months custody) or breaches in EU regulations (e.g. (EC) No 1/2005 Animal Welfare in

<sup>22</sup>An offence for which the police must complete a crime report for statistical purposes

transportation – up to six months custody). Unsurprisingly, UK interviewees felt that these powers were a sufficient deterrent and punishment if used appropriately. However, concerns were raised over the timeliness of revisions to domestic legislation (COTES 1997 is only now under consultation for revision by DEFRA (2015)), the clarity of this legislation for enforcement purposes (domestic wildlife legislation is disjointed and incoherent) and the limited protection it confers to animals. Failure to revise and consolidate current legislation has produced fractures and loopholes and created barriers in the enforcement response. On the whole, animal welfare was deemed deficient in CITES legislation (UK and Norway). Consequently, in May 2015 the Norwegian Ministry of Climate and Environment received a suggested revision to the CITES regulations to strengthen the protection of CITES species from the Norwegian Environment Agency. In the UK, NGOs repeatedly highlighted penalties for killing or injuring wildlife as significantly lower than for incorrectly trading or paying duty on them. And even the incorporation of the International Air Transport Association [IATA]<sup>23</sup> Live Animal Regulations [LAR], as part of CITES compliance – which has reportedly simplified the prosecution for abuse linked to trafficking as ‘suffering’ need not be proved – is lessened by current EU Regulations that employ the old 2004 LAR standards (IATA, 2015).

### **Enforcement**

The UK has recently prioritized the IWT as a serious crime, listing it as a key wildlife crime priority for the police. The Norwegian Police Directorate also identifies it as serious, prioritized crime. However, interviewees in both countries suggested that, in practice, it is treated like a minor crime, at all levels from detection to sentencing. It was also suggested that the lack of general awareness and compliance for IWT offences in Norway (and arguably in the UK) reflects this lack of prioritization by enforcement agencies and judicial systems alike. This is more surprising in the UK, where prioritization of the IWT has facilitated the development of specialized enforcement units, training for non-specialist enforcers, a commitment to the collection of intelligence and intelligence-led enforcement, and the development of partnership work with other enforcement agencies and key stakeholders. In contrast, the Norwegian enforcement response is generally characterized by little specialization (although specialized environmental crimes officers enforce CITES in police districts), training or multi-agency cooperation.

IWT offence data in both countries is limited and interviewees argued that it is feasible that recorded offences present a very small percentage of the actual IWT. Disappointingly, despite being recognized for stringent record keeping, databases tracking IWT offences are conspicuous by their absence in Norway. Norwegian customs do record their seizures, though CITES offences are not categorized according to substance (Toll 2013)<sup>24</sup>, nor do they appear in public statistics (see seizure statistics for 2014, Toll 2014). Additionally, interviewees (from both locations) recognized that some IWT offences go undetected because non-specialist officers (in customs or the police) have significant difficulty working with a complicated and ever-changing list of illegal species, and because enforcement agencies have not set CITES seizure targets. Many CITES offences surface, more or less, by accident or in conjunction with more ‘serious’ offences such as drug, alcohol and/or tobacco smuggling (for which there are set seizure targets). The UK customs agency also records CITES offences, details of which are published in greater detail online than those available in Norway (Data.gov.uk, 2015). Courtesy of the development of the specialized police National Wildlife Crime Unit (NWCU), further data is collected from all police forces nationwide, providing intelligence for setting UK wildlife enforcement priorities and developing a risk-based targeted enforcement approach. Despite these positives, many police forces do not return the necessary information to the NWCU. And whilst most UK officers are not trained to identify CITES products, the UK CITES customs team provide training for enforcement personnel, and has raised the profile of IWT offences, resulting in better understanding and de-

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<sup>23</sup> Trade association for 250 airlines, help formulate aviation policy, including setting the minimum welfare standards for the transportation of animals

<sup>24</sup> CITES seizures registered as fauna here, most likely include flora.

tection among all enforcement officers. These specialized CITES enforcement teams have been responsible for significant increases in seizures and arrests. It is likely that setting clear targets (for customs), albeit very low ones, has contributed to their success.

UK interviewees unanimously regarded the development of successful partnerships between enforcement agencies and with NGOs and other stakeholders as crucial to a successful enforcement response. NCA officers, who hold combined enforcement powers and may arrest, search, seize, acquire information and recover criminal assets, provide customs and NWCUC with stronger enforcement capabilities and a more fluid and robust response. This development of specialized teams and partnership work is linked to optimum or targeted enforcement (maximum impact with limited resources). And yet, while these teams are small, they frequently experience funding crises. Consequently, NGOs have campaigned relentlessly to raise political awareness and funding, and have even directly funded enforcement agencies. In 2012, World Animal Protection provided funding to prevent the Metropolitan Wildlife Crime Unit from closing, and there after analyzed and published seizure data and provided forensic toolkits (new technologies offer significant opportunities for the enforcement of IWT). As with other forged links between UK NGOs and enforcement agencies there has been successful cooperation, including targeted operations (e.g. Operation Charm), data-sharing, and increased public education and awareness. These successes, however, highlight the lack of financial and political support for the enforcement response (which would be compromised without NGO support). Outside of the specialized IWT teams, there is also a notable absence of resources; enforcement officers with partial IWT responsibilities reported their IWT duties were de-prioritized or carried out outside working hours. Resource issues were also noted in Norway, where customs officers complained they were refused the Green Parrot computer program which facilitates easy identification of CITES offences (through listing species and certificates). Here, as mentioned, CITES cases are usually left to environmental crime officers in each police district, though, with heavy workloads, these officers struggle to prioritize this work. With funding clearly limited in both countries, and resources for CITES enforcement scarce, the wealth of knowledge, expertise and networks established by a few persons has, undoubtedly, been crucial to the control and enforcement of CITES offences.

### **Prosecution and Punishment**

The prosecution and sentencing of IWT offenders was perceived, by most interviewees in both locations, to be the weakest link in the criminal justice response. Prosecution rates were described as very poor and a consequence of the limited experience and expertise in the Crown Prosecution Service [CPS] and Judiciary. Central to this problem, was the lack of accountability (e.g. cases are not consistently coded or traceable through the CJS) and specialist training (with the exception of Scotland in the UK) for these agencies. While UK enforcement officers detailed partnership work with the CPS which resulted in successful prosecutions and suitable punishment, there were many more occasions where a robust case was ineffectively prosecuted, if at all. There were also examples where Norwegian state prosecutors produced insufficient cases (without using former cases as precedence) resulting in only lenient punishment for the offenders. Prosecutions in both locations also failed because of long delays in the prosecution process. Successful prosecutions in both locations were characterized by inconsistency in the application of sanctions and incongruence between sanctions and the severity of the offence. For example, in 2012 an offender was fined 10,000 NOK for importing 25 CITES listed parrots into Norway, while in 1998 the most punitive sentence to date – four months custody – was passed for a CITES offence involving a prolific offender who had on 20 occasions smuggled over 200 birds (many CITES I and II listed parrots) into Norway. These sentences are lenient, inadequately protect endangered species, and unlikely to deter would-be offenders motivated by typically vast financial rewards. Similarly, political and governmental commitment and prioritization is at odds with the requirements of effective enforcement and sentencing. In the UK, according to NGO interviewees, this is due to the outward-facing (e.g. international) nature of the UK political IWT agenda.

However, enforcement interviewees argued this was a consequence of limited joined-up intelligence and competing priorities with other more serious crimes.

### **Welfare**

The purpose of CITES is to ensure wildlife trade is sustainable, to enable future exploitation, it is not intended to protect individual animals. Within this framework, protection for individual animals is therefore limited at best. Interviewees provided many examples of the poor conditions in which trafficked animals arrived in the UK and Norway. Interestingly, while Norway generally bans trade and possession of reptiles, UK interviewees expressed particular concern over the welfare impact on exotic animals, identifying this pet trade as one of its most pressing concerns. For example, CITES reptiles are laundered as part of the legal trade, smuggled in overcrowded, often lethal conditions contradictory to requirements in the IATA LAR. Should an airline (which is responsible for ensuring customers fulfill requirements) breach the IATA regulations, it may be refused a license to import live animals. However, as a UK vet explained, there is no database of such breaches across EU Member States, without which prior offences cannot be identified and airlines can easily breach regulations in multiple locations.

While animal welfare is not of central concern in CITES, Member States are required to provide for the welfare of confiscated and seized wildlife. Through the purpose-built UK Heathrow ARC, all confiscated/seized wildlife are appropriately housed and re-homed. However, due to delays in prosecution and/or re-homing, some animals are required to remain at the ARC for long periods in what should be temporary accommodation. While few animals are returned to the wild, interviewees nonetheless said the rehoming process was successful due to close cooperation between agencies and interest groups (e.g. zoos and sanctuaries). With limited capacity and insufficient monitoring of rehoming locations, these informal arrangements are a cause for concern. With no legal requirement – CITES does not stipulate rehoming requirements for seized wildlife – it is left to committed agency staff to facilitate these arrangements. In Norway, the continued victimization of seized animals was well documented, with euthanasia the rule rather than the exception. The only exceptions being when Kristiansand Zoo and Oslo reptile park agreed to receive seized animals. Although the Norwegian Environment Agency states the goal is to return confiscated CITES animals to where they belong, analysis of verdicts showed that confiscation (and subsequent euthanasia) may be argued for (by the judge) in order to fulfill Norway's obligation to CITES. For example, when a Norwegian man with CITES permits for 36 birds imported 44, the surplus birds were killed by the authorities. Given that the Norwegian CITES regulations only attend to welfare in paragraph 16, this should be unsurprising: "If import of a specimen which is already in the country cannot be permitted, the Norwegian Environment Agency shall ensure the specimen is taken care of... Living individuals can be returned after demand from the conservation authorities in the exporting state. The costs in relation to such shipments shall be covered by the exporting state. The shipment must take place in a way that does not cause the individual harm or unnecessary suffering" (Author's translation and emphasis). 'Welfare' appears to be the Achilles' heel of much IWT practice, leaving a great deal to be desired in effectively responding to the trade.

### **Opportunities and Threats**

#### **Legislation**

The UK has identified the need to revise key legislation relating to CITES, a process currently underway in Norway. There is an opportunity in the UK to use research evidence and consultation (e.g. UK Environmental Audit Committee 2012) to enhance prevention, enforcement and sentencing of IWT offences and prioritize the animal victims within legislation. One of the greatest challenges facing the UK is failure among fellow EU Member States to further develop their legislation; failure to develop common domestic IWT policy provides loopholes that UK offenders will continue to exploit.

The development of organized criminal networks in the IWT also poses new challenges for UK and Norwegian authorities and requires new legislative tools for enforcement and prosecution. There is, though, an opportunity to take example from the enforcement of other serious and organized crimes to help deliver more robust legislation. For example, an IWT case awaiting trial in Norway is using §60 in the Norwegian Penal Law (the so-called ‘Mafia/organized crime’ paragraph) – which has been employed successfully in an illegal wolf killing case. The Norwegian reptile ban is also worth noting – while it has not succeeded in preventing reptiles from entering the country, it makes control of endangered reptile species easier to enforce. Specifically, specialized knowledge to differentiate species is not required and it changes the market for these species as it deters people from purchasing one on a whim (which is sadly often the case for parrots, which are legal). This suggests that a ban on all IWT could improve enforcement responses.

### **Enforcement, Prosecution and Punishment**

There is considerable variation in the priority given to regulating and enforcing the IWT across EU and partnership countries, thus, the most serious threat to enforcement responses are porous borders. Once illegal wildlife/products enter one EU Member State, it becomes more difficult for other enforcement agencies to identify and apprehend offenders. The prioritization given to the IWT at government level is central to this issue; however, as demonstrated by the UK enforcement funding crisis (which has caused uncertainty and reduced efficiency and effectiveness), this prioritization must be focused internally and externally. When political will is low, as is the case in Norway, this threatens awareness among enforcement and sentencing agencies, stakeholders, and the general public (at a time when wildlife products are easier to obtain than ever before). The IWT is not primarily a source country problem –there would be no IWT market without the demand from wealthy EU and other countries. Furthermore, the prioritization of other serious crimes (e.g. drug trafficking) by the CJS threatens the IWT response. Evidence suggests that offenders may be displaced from one crime to another and the IWT is increasingly recognized as a high profit, low risk offence—it is sure to attract offenders. Continued activity amongst organized crime networks is also a significant threat; current enforcement responses are not nearly robust enough to respond effectively. UK enforcement interviewees, for example, stated that they were unable to follow-up on IWT leads to organized crime due to limited resources and because set targets had already been exceeded. Current developments in enforcement techniques and technology—including DNA databases, forensic analysis, sniffer dogs, IT software/hardware and UAVs – provide opportunities for improving enforcement capacity, while reducing costs. While there is limited use of these in both locations, UK evidence suggests these are essential to a successful enforcement response.

Significantly, the UK and Norway already produce detailed data and analysis, from seizure, arrest, and prosecution to the sentencing of offenders, for other serious crimes. It seems reasonable to suggest that these processes be adopted and applied to the IWT. Equally, legislation and policy used to respond to other serious international crimes could be adopted by all Member States in response to the IWT. The ICCWC Wildlife and Forest Crime Analytical Toolkit is freely available to Member States, though it is not currently utilized in either location. Even so, this resource presents opportunities to strengthen existing enforcement processes and identify alternative approaches. Norway could take advantage of its highly educated police organization (three years at university college level, in addition to a MA program)— CITES training could become standard for police students, promoting competence in front-line staff which would reduce the pressure on overworked specialized environment officers. CITES training (theory and practice) could also fit into customs officers training (who complete a 26 month training program). Likewise, opportunities to embed CITES should be investigated in the UK. As a minimum, it should be rooted in police and customs training.

Perhaps the greatest opportunity to improve the enforcement response in both countries lies in increased communication and cooperation, both nationally and internationally, between enforcement agencies and key stakeholders. Utilizing established communication tools (e.g. 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, analyzing and monitoring WLT activities) and international fora (e.g. World Customs Organization [WCO], CITES CoP, Interpol, UN, EU) could help expand opportunities to cooperate and share 'best practice' and specialized training and knowledge. The UK CITES customs team are developing an international reputation for their specialized IWT training and assistance to enforcement officers around the world. Their efforts secure future cooperation, partnership and a unified IWT enforcement approach. Enforcement operations involving the UK and Norway, such as Operations Tramp and Charm, have demonstrated the value and effectiveness of international cooperation and communication. Nonetheless, Norwegian enforcement agencies need to engage further with established fora developed for enforcement agencies. It was also identified that communication between international enforcement agencies is limited by data confidentiality (and trust). More positively, EU TWIX, as an example, was described by UK interviewees as an essential 'closed' enforcement tool for communication, enabling swift exchange of information/intelligence between Member States. However, engagement with EU TWIX seemingly varies considerably from one country to another and its effectiveness is largely dependent on regular inputs from all Member States.

### **Welfare**

It is increasingly necessary to secure improvements in the welfare of animal victims of the IWT, and engagement with NGOs provides a key opportunity for CJS agencies to do so. NGOs such as WAP, WWF, and IFAW can share expertise on welfare requirements, awareness campaigns and prevention and intervention strategies with offenders and their communities. Failure to reduce the demand for animals and animal products is a significant threat to a successful response to the IWT, but the greatest threat must be the failure to protect and keep wildlife in the wild: with few exceptions, once an animal is removed from its home, it never returns.

### **Recommendations: Actions towards Preventing/Eliminating the Trade**

From the SWOT analysis, a portfolio of actions can be inferred, some linked to strengths and weaknesses, while others capitalize on opportunities and counteract threats. In suggesting the following recommendations, we have considered those we deem to be the most viable. However, we are aware that not all of the opportunities we detail here are realistic, perhaps because of political, economic or other external dimensions, but as researchers hoping our work can improve the lot of animal victims, we have included these ideas. And while this case study focused on two countries, the strengths and deficiencies discussed here are unlikely to be limited to these; identified weaknesses in the control and enforcement of the IWT are applicable outside of the UK and Norway (for example, punishment was also lenient in Columbia and Brazil). Our recommendations include a non-speciesist approach (Beirne 1999) and fall into three broad categories: legislation, enforcement, prosecution and punishment, and welfare.

### **Legislation**

The nature of the IWT ensures that animal victims suffer significant harms – both in terms of individual harms and to animal species as a whole. This breaches their individual interests and species and ecological justice (cf. White 2013). We recommend the harmonization of legislation, to modernize and improve current enforcement, and also the embedding of animals' welfare into legislative systems for the control of the IWT. Speciesism is doxic, meaning that practices that exploit animals are taken for granted by the great majority (Sollund, 2012). The fact that the wildlife trade is both legal and illegal makes it difficult to convey a strong normative message through the application of laws and regulations. Rather, the message which is conveyed by CITES as well as the enforcement approach is mixed—the IWT may be legally wrong but is morally right. The central point, that animals are sentient beings, is constantly under-communicated if not totally neglected. While a total ban would convey a

stronger message to offenders, it is unlikely to happen due to the economic value of the trade. In any case, the governing anthropocentrism and speciesism evident in the CJS would significantly limit the enforcement of a ban. Furthermore, bans may increase the value of endangered species and thereby increase profits for the IWT (Rivalan et al., 2007; Low in Sollund, 2011).

While we understand the difficulty in doing so, we argue that CITES (and parties to CITES), acknowledging current research into the cognitive skills and properties of nonhuman animals (see Pepperberg, 2009 regarding African Grey parrots), recognize that the current exploitative regime of sentient beings should not be morally or legally supported. As a move towards this, we propose that Member States review domestic legislation in order to respond to current IWT issues (e.g. organized crime) and to further embed animal welfare. Also, that the EU update the Council Regulation (EC) No 1/2005 in line with the enhanced welfare standards set out in the IATA LAR 2015 as part of CITES compliance and that Member States be required to report IATA LAR transgressions by airlines, to the Traces system (used for re-entry documents), to make transport companies accountable for their actions and to prevent future infringements.

### **Enforcement, Prosecution and Punishment**

In order to conduct an audit for funding and resource management for the IWT, both Norway and the UK (and CITES members) should be encouraged to utilize the ICCWC Wildlife and Forest Crime Analytic Toolkit and engage with (or adopt something similar to) the EU-TWIX database. Since one important finding from this case study is that serious crimes (e.g. drugs) are prioritized by the CJS, at the cost of detection and enforcement of the IWT, and this may in turn cause organized criminals to concentrate on the IWT, similar targets as those set for drugs should be set for IWT offences. However, in doing so, it is important to take a proportional overview of resources for other serious offences and to set targets which measure the right thing. To enhance accountability and detection, and to avoid dysfunction (e.g. practices to corrupt figures), these targets need careful consideration. Linked to this is the inconsistent coding of IWT offences, which increases the 'dark' figure of the IWT and prevents accountability in the judicial system. Therefore, it is recommended that all IWT cases are notifiable offences and uniquely coded through the CJS to establish a more accurate picture of the nature and prevalence of the trade.

Partnership work and cooperation between CJS agencies and with NGOs and stakeholders are showing promising results in the UK, as is international cooperation. We therefore propose that Norway (and all CITES members) develop an enforcement response focusing on multi-agency cooperation and communication both nationally and internationally. A key finding in the case study was the limitations in the enforcement response resulting from a lack of specialization and general training of front line staff. Therefore, CITES training should be embedded in the training of all front line officers, and should become a specialization for a smaller number in the customs and police. Countries are advised to use the resources currently available across Member States (e.g. UK CITES team training) in order to do so. More urgently, specialized training and guidance is required for the CPS and judiciary to ensure CITES cases are supported and prosecuted consistently and appropriately, using the full weight of the law. In arguing for this, we acknowledge that a punitive response is not necessarily the best approach to dealing with all CITES offences (as discussed below).

Whether a punishment will have a deterrent effect would depend on what the offenders gain from their involvement in the IWT, and what they lose by abstaining from it. It is well documented that motivations for offending vary depending on the role of the offender in the chain, from poaching to consumption. Therefore, to support the enforcement approach, we advocate that education and awareness strategies to reduce consumer demand for IWT health and beauty products, luxury foods and pets are utilized across the EU and Norway (with support from NGOs). This is especially important in the case of wildlife products whereby most of the consumption is not necessary in any legitimizing way, but is instead determined by cravings for luxury goods. While failure in enforcement and punishment may limit deterrence from the IWT, the majority of potential offenders in relation to

most crimes normally offend due to ignorance of legislation (Aubert, 1954). Thus, consumers in receiver countries may potentially be deterred by a heightened risk of punishment. In order for legislation to have a preventative impact, certainty of punishment is more important than severity; interviewees suggest that in the best cases there is some attention to severity and in the worst, both certainty and severity are absent.

While this article has focused on the IWT response in predominantly receiver and transit countries, we also acknowledge that these recommendations may be useful in source countries where financial aid could help to develop a more robust enforcement and judicial response. Awareness campaigns are also essential to prevent the trade at the most vital point – when animals are removed from the wild. Considering the developments in the organized IWT, arguments could be made for UN troop support for local wildlife rangers who are confronted with armed, organised poacher groups.

### **Welfare**

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 innumerable animals that are victimized due to trafficking and the environmental costs to ecosystems. Therefore, as a matter of urgency, the EU (and CITES parties) should clarify their position in relation to the responsibilities toward confiscated/seized live animals and require transparency from all Member States by way of an annual report on the outcomes for all seized wildlife. In doing so, all Member States should make a formal commitment to protect seized/confiscated wildlife and to provide sufficient funding to ensure their welfare (e.g. suitable long-term accommodation, provision for short-term accommodation at key locations). CITES states in Resolution Conf. 9.10 (Rev. CoP15) that when the Scientific Authority of the confiscating state deems it in the interest of the animal (specimen) to be returned, then such costs, and also costs in relation to custody and destruction of the animal, shall be claimed from the trafficker. One should assume that repatriation, rather than destruction, would be in the best interest of the animal, and therefore there is a strong case for exploring the use of a restorative justice approach to the IWT. While euthanasia is incompatible with taking care of wildlife, from an anthropocentric viewpoint, Norway is actually fulfilling its obligations towards CITES. From a species justice viewpoint, killing them is morally unjust and it is hard to see how this practice may serve to protect endangered species. Additionally, while unnecessary suffering (but from whose perspective?) is the criteria upon which to judge what is to be done with wildlife, very little protection is offered to individual animal trafficking victims. This issue is highlighted in most animal welfare legislation, where the expression ‘unnecessary suffering’ is also frequently and controversially applied (e.g., Francione, 2007; Beirne, 2009; Kleveland, 2013).

Both the UK and Norwegian enforcement agencies raise awareness of the IWT through their websites (e.g. NWCU) and specialist magazines (e.g. *Miljøkrim* published by the Norwegian Eco-crime unit), but also by means of press releases to daily newspapers and television. In responding to the IWT, it is essential to further raise public and stakeholder awareness of the consequences of the IWT (e.g. for the animal victims) through better data collection and reporting (by police, customs, or government departments) via press releases detailing seizure/confiscation rates, the treatment of wildlife, and potential and actual punishments received by offenders.

### **Conclusion**

Despite growing concern, international political will and promises of eradication, the IWT is increasing. It may in future outstrip other illicit enterprises in terms of its multifarious nature and the complexities it poses for control and law enforcement. This article has provided further understanding of these challenges by evaluating data from a multi-method qualitative case study on the IWT in two countries. Drawing from the UK and Norway, a comparison is made through the lens of a SWOT analysis and evaluation of these findings through a green criminology harms perspective. As parties to CITES, and key marketplaces for the IWT, both countries have a responsibility to provide a robust

response. Unfortunately, SWOT analysis identifies that while responses are similar, approaches and practices vary, and give rise to varying levels of ineffectiveness. The UK, in particular, does demonstrate strengths in their legislation, enforcement and care of the wildlife, but the response, in both countries, suffers from a general lack of awareness and prioritization, limited resources, unsuccessful prosecutions and inadequate penalties. Consequently, risk of detection is low and punishment uncertain, resulting in moderate enforcement which fails to act as a general or individual deterrent. Accordingly, the IWT is likely to increase, facilitated as it is by globalization and capitalization. Unacceptably, due to the limited protection conferred to the wildlife caught by the trade and the limited facilities for receiving wildlife in the UK and Norway, a steadily increasing number of animals are likely to be harmed and killed.

The recommendations highlighted by the SWOT findings are for the short and long-term. Short-term, the key recommendations are: harmonization of regulations and enforcement practices in Member States; provision of specialist IWT training for all CJS agencies; commitment to the use of EU-TWIX and application of existing tools such as the ICCWC Wildlife and Forest Crime Analytic Toolkit; augmentation of animal welfare through CITES policy (for seized/confiscated wildlife) and legislation (e.g., IATA LAR 2015); prioritization of CITES and application of the full punishment threshold provided in law; and further development of prevention and intervention responses. Long-term, in line with green criminology's victimology and species and ecological justice perspectives (White, 2013), it is recommended that there is a move towards the acknowledgement of nonhuman animals as victims of trafficking, as having equal capacity to suffer from harms such as deprivation of freedom, peers, offspring and adequate nutrition, and because the IWT, like human trafficking, involves enslavement, harm and frequently death (Sollund, 2013b).

**Acknowledgements:** This research has received funding as part of the 'European Union Action to Fight Environmental Crime' [EFFACE] research project from the European Union FP7 grant agreement number 320276 (see [www.efface.eu](http://www.efface.eu)). We thank the Norwegian Animal Protection Fund for (initial) funding of the Norwegian case study. This research is also indebted to interviewees based in the UK and Norway who work tirelessly in enforcement agencies and NGOs responding to illegal wildlife trade; we thank them for their time and patience in supporting our research.

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