

Wildlife trafficking and organized crime

The 10 recommendations of the IUCN French Committee



From 7 to 11 March 2022, the 74th session of the Standing Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is held in Lyon in preparation for the Conference of the Parties scheduled for November 2022 in Panama (COP19). On this occasion, the French Committee of the IUCN pleads for the implementation of concrete and operational solutions to fight against wildlife trafficking in France.

Considered to be the fourth most lucrative transnational organized crime activity globally[1], the illegal trafficking of animal and plant species appears today as one of the main causes of their extinction. According to data from Interpol and the United Nations Environment Program (UNEP)[2], this traffic would generate an estimated global financial value of 7 to 23 billion dollars per year.

The IUCN French Committee advocates for the fight against wildlife trafficking in France to be put on an equal footing with that undertaken against other forms of transnational organized crime. Beyond the threat it represents to biodiversity, the situation of which continues to worsen, this traffic also feeds criminal networks by thriving on corruption that it also fosters[3] while posing serious risks in terms of safety and public health. For these reasons, during its last World Conservation Congress in September in Marseille, the IUCN adopted three major motions on this issue:

- [Treating organized crime having an impact on the environment as a serious crime;](#)
- [Engaging the private sector to combat wildlife trafficking;](#)
- [Implementing international efforts to combat the sale of illegal wildlife products online.](#)

With regard to wildlife trafficking, France has a peculiar situation which requires certain exemplarity. Between its mainland and 12 overseas territories spreading across the globe and through 5 biodiversity "hotspots", France ranks among the ten countries hosting the largest number of endangered species with 1,889 globally endangered species listed. Meanwhile, it is also one of the major importing countries for wildlife products intended for the European market and one of the main exit points for (re)exports to countries outside the European Union (EU)[4]. In 2018, seizures of CITES specimens within the EU amounted to a market value of 2.3 million euros, a relatively minor figure compared to estimates of the reality of trafficking[5].

[1] IFAW. 2013. Criminal nature. The global security implications of the illegal wildlife trafficking. p.4.

[2] Interpol, PNUE, The environmental crime crisis : threats to sustainable development from illegal exploitation and trade in wildlife and forest resources, online, accessed 31 august 2021.

[3] UNODC. 2020. Scaling back corruption. A guide on addressing corruption for wildlife management authorities. p.10.

[4] WWF, Traffic. 2021. The role of France in wildlife trade. An analysis of CITES trade and seizure data - Synthesis. p. 8

[5] Ibid, p. 9.

The effectiveness of the fight against wildlife trafficking depends on the willingness of all the actors involved. Awareness of the scale and consequences of this traffic is spreading but remains insufficient. It is necessary to encourage every actor committed to this fight, public or private, people or legal entities, to devote all their strength and resources to curb this traffic and lessen its consequences.

The French Committee of IUCN considers it urgent to act and calls for the implementation of the following ten recommendations:

Mobilizing legal instruments in a logic of sanction and deterrence

Renewed and strengthened over the past ten years, French environmental law today provides for numerous tools, the mobilization of which could foster the efficiency of the fight against wildlife trafficking. Enhancing and promoting their use would allow for action now instead of having to wait for legislative and regulatory changes.

1. Increase penalties for offences related to wildlife trafficking by adjusting them to those provided for drug or arms trafficking.

The law of 8 August 2016[6] strengthened the penalties for the trafficking of protected species. Offenders now risk a 3-year prison sentence and a fine of 150,000 euros[7], though this maximum penalty is almost never imposed. Nevertheless, and in compliance with the principles of proportionality[8] and individuality[9] of penalties, it is essential to take an uncompromising holistic approach to wildlife trafficking cases[10]. Indeed, traffickers in wildlife often engage in other criminal activities through means sanctioned by the law (violation of property, degradation of the environment, use of forgery). However, these additional offences are not always considered the sentence passed by the magistrates.

On the other hand, despite recent reinforcements, sanctions remain low compared to those provided for cases of drug or arms trafficking. If differences in the legal response amount to hierarchizing forms of trafficking over others, wildlife trafficking appears to be dealt with as a matter of lesser priority. Therefore, the penalties provided for wildlife trafficking should be adjusted to those for drug trafficking, namely 10 years imprisonment and a fine of 7,500,000 euros[11]. Finally, a specific money laundering offence for wildlife trafficking could be implemented on the model that provided for drug trafficking, punishable by 10 years imprisonment and 7,500,000 euros fine[12].

[6] Law 2016-1087 for the reconquest of biodiversity, nature and landscapes.

[7] Article L. 415-3 of the French Environmental Code.

[8] Principle stating that sanctions should be imposed according to the severity of the offense, the personal situation of the offender and its reinsertion capacities (Article 130-1 of the French Penal Code).

[9] Principle stating that one can only be liable for its own deeds (Article 121-1 of the French Penal Code).

[10] Circular of 16 december 2013 on trafficking in protected species (JUSD1330992C) already called for prosecutors to strengthen their requests (p.5).

[11] Article 222-37 of the French Penal Code.

[12] Article 222-38 of the French Penal Code.

2. Inform the judicial authorities of the possibility to consider the characterization of the aggravating circumstance of organized gang, and encourage the magistrates to demand it when the conditions are met.



Wildlife trafficking is often part of the ancillary activities of criminal networks. It allows them to have supplementary resources supporting their main activities, frequently linked to those of armed and terrorist groups[13]. In cases of trafficking in protected species, the legislation allows the judge to order the characterization of an aggravating circumstance of organized gang[14] if the conditions are met (premeditation of the offences and structured organization between the members). This characterization makes it possible to increase penalties (750,000 euros fine and 7 years imprisonment) and mobilize 'special investigation techniques', more intrusive and therefore more effective (wire-tapping, data capture, image capture in private places...)[15]. However, the use of this characterization by magistrates is seldom in reality.

3. Encourage prosecutors and judges to require and impose additional penalties, including confiscation, when the conditions are met.

Since the circular issued on 16 December 2013, the French Minister of Justice has encouraged magistrates and prosecutors to require any applicable additional penalty to fight more effectively against wildlife trafficking, including notably the ban on exercising a professional activity, the closure of an establishment or the display of the court decision[16]. However, these penalties remain rarely passed[17]. As an additional penalty, the legislation grants the judge the right to order the confiscation of the property seized during the criminal proceedings related to the offence. In compliance with the principle of proportionality[19] of the penalty with regard to the crime, the judge can even order the general confiscation of the assets of the defendant. Once the confiscation has been pronounced, the assets - and the proceeds of the sale of these assets - become State property.

[13] Declaration of the London conference on the illegal wildlife trade, 2014, p. 1: Poaching and trafficking constitute 'an organized and widespread criminal activity, involving transnational networks. The proceeds are in some cases used to support other criminal activities, and have been linked to armed groups engaged in internal and cross border conflicts'.

[14] Article L. 415-7 of the French Environmental Code.

[15] Article 706-73 and following Articles of the French Code of Penal Procedure.

[16] Circular of 16 december 2013 on trafficking in protected species (JUSD1330992C). p.3.

[17] CGEDD, 'A justice for the environment. Assessment of the relations between justice and the environment', 2019, p.12: 'Recommendation n°13. Draft a penal policy circular on the need to use additional penalties (such as confiscations, temporary or permanent deprivation of a right, exclusion from public markets, temporary ban on exercising an occupation) and the penalty of general interest duties'.

[19] Article 131-21 of the French Code of Penal Procedure. N.B.: Confiscation is to be differentiated from seizure, which consists only of making the property unavailable until judgment is pronounced.

They are then managed by the Agency for the Management and Recovery of Seized and Confiscated Assets (AGRASC). Because sanctions impacting the material conditions of offenders have real dissuasive power, such proceedings would help dry up the financial networks of traffickers. Here again, however, confiscation is rarely ordered against traffickers in protected species.

Mobilizing legal instruments in a logic of financial support to organizations hosting seized or confiscated animals.

The financial burden of keeping live animals seized or confiscated after the arrest of a trafficker weighs on host organizations that must incur significant expenses to fulfil a public service mission (transport, quarantine, food, care, animal identification). If the release of those species in their natural habitat should be favoured when their condition allows it, this possibility remains very occasional in practice. Therefore, it is necessary to either enable volunteer host organizations to accommodate animals under conditions that guarantee their well-being or create specialized ad hoc structures.

4. Promote the existing mechanisms to lighten the financial burden of keeping animals seized for host organizations and provide them with a legal status granting access to public subsidies.

Three levers could help ensure that this burden no longer weighs on these organizations.

Firstly, the legislation provides for the possibility to fill a memorandum of animal care costs. Via the authority in charge of the investigation, the host organization can submit this document to the judge, who will take these expenses into account and provide their terms of use. However, in practice, few memorandums are submitted to or taken into account by judges.

In addition, financial support remains dependent mainly on the assessment of the judge. Article 99-1 of the Code of Criminal Procedure expressly provides that the expenses incurred for the custody of the animal are the responsibility of its owner. Nevertheless, upon request, the judge can grant the exemption of the defendant from bearing these costs regardless of whether he is ultimately convicted.

Finally, host organizations cannot access public subsidies as long as they do not have an appropriate legal status. Although the law on animal welfare adopted in 2021 added the definition of a refuge (temporary custody) or a sanctuary (permanent custody)[20] into the Environmental Code, the fact remains that the text to define their legal status has still not been adopted.

[20] Article L. 413-1-1 of the French Environnemental Code.

Strengthening the resources of enforcement bodies

Among the various control authorities involved in wildlife trafficking cases in France, customs officers present in ports and airports are on the front line. Despite relatively small teams, these agents alone carried out nearly a quarter of the seizures made on French territory between 2008 and 2017[21].

5. Increase the staff of the customs services in charge of controls at Roissy-Charles de Gaulle and at other airports likely to be entry points for wildlife trafficking.

As one of the largest European airport hubs, Roissy-Charles de Gaulle concentrates the vast majority of illegal flows arriving in France by air[22]. This airport plays a major role in the import of bushmeat in Europe and the transit of wildlife products to Asia. However, the controls are carried out by teams of around twenty customs officers for an airport that receives an average of 200,000 passengers per day.

This understaffing situation further reduces the likelihood of identifying and arresting offenders in a context where priority remains given to the fight against terrorism as well as drug and arms trafficking. Roissy-Charles de Gaulle authorities estimate that customs officers are only able to seize around 10% of the traffic in specimens and products of wild species passing through this airport platform. Therefore, it seems essential to increase their numbers. To foster the efficiency of the fight, it also appears necessary to reassess the role of the airports of Paris-Orly, Beauvais, and other major provincial airports in this traffic and their needs in customs personnel.


Strengthening training on the issue of wildlife trafficking

Stepping up the fight against this form of transnational crime requires that the relevant actors have access to solid theoretical and practical training. Such programmes should consist of both tools for identifying species - nearly 6,000 animals and 30,000 plants - and knowledge of the numerous related administrative, legal, national and international procedures.



[21] WWF, Traffic. 2021. Op. cit. p. 39.

[22] See : Routes Dashboard statistics for France.



6. Institutionalize and systematize the participation of actors involved in the fight against wildlife trafficking in training programs adapted to their missions.

The French CITES implementation report for the period 2018-2020 highlights a "need for permanent training" for the staff of the scientific authority as well as for the control officers in the field[23]. At the same time, the training of judicial authorities also appears to be a crucial challenge in strengthening the application of environmental justice. In France, several continuous education programs on the issue of wildlife trafficking are already offered by national public establishments (French National School of Magistracy, French Office for Biodiversity) to magistrates or national and regional CITES authorities.

Addressing identified training needs primarily involves allowing often overstretched officers and magistrates to take the time to attend training sessions. In addition, other organizations specializing in species protection (IFAW) or air traffic (TRAFFIC, IATA) could be mobilized to increase the number of programs and training places available.

Increase the responsibility and commitment of air carriers

The airline industry is heavily involved, albeit indirectly, in wildlife trafficking. Aware of the scale of the problem, both passenger and freight airlines are making a growing number of commitments[24], which are, however, not binding. Meanwhile, the current legal regime remains somewhat favourable to the air carrier, only holding the liability of the passenger for the transport of illegal specimens or products of wild species. Increasing the legal liability of the carrier would provide leverage to ensure that measures commensurate with the urgency of the problem are effectively taken, particularly before the boarding stage in the source countries of trafficked specimens and related items.

7. Enshrine in international air law the liability of the carrier for its cargo, once it has accepted the Air Waybill (AWL) of the sender or passenger and proceeded to the loading of its goods or baggage.

The Montreal Convention (MC99) for the unification of certain rules for international carriage by air provides in article 16 that the carrier is not required to check the accuracy and correctness of the information provided by passengers in the documents requested by the control authorities of the countries of destination. Thus, it seems that the liability of the air carrier is not engaged when it unknowingly transports illegal specimens or products of wild species, even though it has theoretically validated the content of its cargo by approving the AWL of the shipper or passenger. This provision does not encourage the air carrier to make

[23] France's CITES implementation report available online. p.26.

[24] See: Buckingham Palace declaration of 15 march 2016, which states 11 commitments, among which: zero tolerance against wildlife trafficking, raising awareness, developing systems for sharing data in real time and good practices, facilitating reporting, coordinating the work of customs services and judicial authorities.

sure of the content and legality of the goods and baggage that it takes on board. Yet in many source countries for trafficked protected species, there is a high risk of corruption of control officers, who might knowingly let through luggage containing illegal goods. In this context, holding the air carrier responsible for the legality of the goods it transports appears to be a more effective way to strengthen the fight against upstream trafficking. Indeed, the air carrier will thus be encouraged to seek and establish means of ensuring the validity and quality of the control of its cargo before boarding.

Raise travellers' awareness of the fight against wildlife trafficking

Traffickers are willing to take significant risks carrying out such transnational crimes because the high demand for wildlife specimens and products gives them the opportunity to make large profits. Therefore, it is necessary to reduce this demand by targeting and informing potential buyers not only about the consequences of wildlife trafficking on biodiversity, animal welfare, safety and human health but also about the penalties incurred for such purchases. Numerous actions have already been undertaken in this line, but such efforts must be stepped up.

8. Launch awareness campaigns targeting social networks and passenger departure points especially, and emphasizing health issues.

Several awareness initiatives on the issue of wildlife trafficking have already been carried out, like the joint UNEP and India "Not All Animals Migrate By Choice" campaign in the main airports of the country. A similar prevention campaign should be organized in France, spreading information both at airports and inside planes, but also on social media in order to build on their ever-growing reach and influence in the last years. Thereby, the chance would increase that travellers are aware of the risks of purchasing illegal goods from protected animals or plants by the time of their departure.

Special attention should be paid to health issues as passengers bringing back bushmeat in their luggage are often unaware of the health hazard these goods represent. Indeed, meat from a wild animal that has been transported for several hours or days without adequate refrigeration and sanitary control is very likely to be a vector of zoonotic diseases. The meat may also contain potentially harmful and invasive insects, which could then be accidentally introduced into France and could, in turn, spread new infections in the country. For these reasons, wildlife trafficking also represents a real public health issue that travellers must be aware of.

This summer, an information campaign aimed at passengers and travellers will be launched jointly by Air France and ADP Group, in collaboration with the IUCN French Committee.

Build more comprehensive regulations for the baggage of travellers from Africa

For long-haul flights, travellers are generally allowed to carry one piece of checked baggage up to 23 kilos, as advised by the non-binding guidelines setting baggage weight standards from the international air transport association (IATA). However, the majority of planes flying to or from Africa allow travellers in economy class to check in two bags of 23 kilos at no extra cost, which enables them to carry up to 46 kilos of personal effects. These regulations facilitate the illegal trade in wildlife since they allow traffickers to carry larger quantities of illicit products and better conceal them under or within other goods.

9. Standardize the volume of checked baggage to a maximum of 23 kilos for all commercial flights to reduce health and environmental risks.

Because of this peculiar commercial advantage, larger quantities of specimens or products from protected animals and plants can easily land in France. Bushmeat trafficking particularly benefits from this scheme.

In 2010, it was estimated that around five tons of bushmeat were smuggled each week into Paris-Roissy Charles de Gaulle airport[25]. In addition to the damage these volumes represent for biodiversity conservation and animal welfare, it constitutes an enormous health hazard, as mentioned above. Therefore, it is urgent to address this commercial advantage on air routes from, within or to Africa by also emphasizing that reducing the weight of baggage will decrease the quantities of goods that customs officers have to check and allow them to gain efficiency.

Airlines that, like Air France, have pledged to combat wildlife trafficking (notably by signing the Buckingham Palace declaration which states that the signatories will not facilitate illegal transfer of wildlife[26]) could be the driver of this change by combining their efforts and agreeing together on the withdrawal of these extra kilos of baggage within the profession.



[25] The scale of illegal meat importation from Africa to Europe via Paris Anne-Lise Chaber 1,2, Sophie Allebone-Webb1,3, Yves Lignereux4, Andrew A. Cunningham1, & J. Marcus Rowcliffe, 26 avril 2010.

[26]<http://prod2-airfrance-corporate2.integra.fr/fr/communiqu%C3%A9-de-presse/air-france-sengage-contre-le-traffic-des-especes-protegees?language=fr>

10. Amend the European Commission Delegated Regulation (EU) 2019/2122 of 10 October 2019 so that the import of fish is also subject to systematic border controls.

The right for passengers to the European Union to carry up to 20 kilos of fish intended for private consumption and contained in their personal luggage stands out as another surprising and concerning exception in the context of wildlife trafficking by air. While meat imports from non-EU countries into the European Union (EU) are subject to official control at border control posts, importation of up to 20 kilos of fresh, gutted, prepared or processed fishery products is exempt of such measures.

However, there is no justification for treating fish and meat differently since fish can, on the one hand, also be vectors of zoonosis and must, on the other hand, be protected just as much as other species. This exception paves the way to resale and trafficking, even though Article 9 of the Delegated Regulation (EU) 2019/2122 in question provides for specific official checks of goods contained in the personal luggage of passengers at EU entry points.





Comité français de l’UICN

259-261 rue de Paris
93100 Montreuil

E-mail : uicn@uicn.fr
www.uicn.fr