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Title	The Criminalization of the Trade in Wildlife
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Publication Date	2023
Link	https://dspace.library.uu.nl/handle/1874/482779
Citation	Uhm, D 2023, The Criminalization of the Trade in Wildlife. in H Nelen & D Siegel (eds), Organized Crime in the 21st Century : Motivations, Opportunities, and Constraints. Springer International Publishing AG, pp. 155-169. https://doi.org/10.1007/978-3-031-21576-6_10
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Chapter 10

The Criminalization of the Trade in Wildlife



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Introduction

Throughout the twentieth century, large trade flows of endangered species have become embedded in the global economy, with wildlife products entering into the market as ‘consumable commodities’ that serve a wide variety of purposes. Products derived from wildlife species are used as medicines, meat and eggs are served as food, skins are used for leather products, and live animals are bought, sold, and kept as domestic pets (Moreto & Pires, 2018; Nurse, 2015; Petrossian, 2019; Sollund, 2019; Van Uhm, 2016; Wong, 2019; Wyatt, 2022). This consumption of wildlife species contributes to a severe global defaunation¹ that has extensive consequences (Dirzo et al., 2014; Hooper et al., 2012; Ipbes, 2019). With the five previous mass extinctions on Earth being caused by meteorite impacts, volcanic activities, and large-scale climate change, scientists now posit that we are currently at the beginning of a sixth mass extinction caused by human activity (Barnosky et al., 2011; Butchart et al., 2010; Dirzo et al., 2014; Kolbert, 2015; Leakey & Lewin, 1995; May et al., 1995; Pimm et al., 1995). At least 680 vertebrate species have been eradicated by human activity since the sixteenth century, and as many as 0.5 to 1 million species are currently threatened with extinction (IPBES, 2019). For example, 26–37% of mammals, 17% of birds, 38% of chameleons, 31% of sharks and rays, 33% of reef-forming corals, and 41–56% of amphibians are at extinction threat level (Dirzo et al., 2014; Hoffmann et al., 2010). The rate of decline in invertebrates, such as

¹ Defaunation is the equivalent of “deforestation”; the term refers to the loss of animal species and the local decline of animal populations (Dirzo et al., 2014).

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insects and worms, is at least as severe as in vertebrates, their numbers having decreased by 45% in the past 40 years (Dirzo et al., 2014).

In contrast to the previous waves of extinction, humans are implicated as the central cause of the sixth mass extinction in the present scenario (Barnosky et al., 2011; Myers, 1990). In addition to the mass killing of species, the introduction of invasive species, the fragmentation of natural habitats, and the changing global climate, The trade in wildlife is also disastrous for the biodiversity on Earth (Van Uhm, 2018). Wilson (2002: 24) has already noted how “we have been too self-absorbed to foresee the long-term consequences of our actions.” The consequences of defaunation are not limited to the many wildlife species that are on the brink of extinction or are already extinct; the complex effects can threaten all life on Earth (Sollund, 2019). A recent example of the dangerous consequences of defaunation is the COVID-19 pandemic, in which the highly contagious zoonosis was probably transmitted through wild animals being bought and sold in animal markets (Van Uhm & Zaitch, 2021).

From the late nineteenth and early twentieth century, various moral entrepreneurs have underlined the need for regulation and criminalization of the trade in wildlife species. This chapter elaborates how the trade has become regulated and criminalized in the twentieth and twenty-first centuries, influenced by socioeconomic, political, and ecological processes and how the recent criminalization raises new questions in the contexts of prevention, conservation, and enforcement.

Colonialism and European Interference in Wildlife Protection

European colonialism and imperialism had a significant impact on wildlife populations; extensive hunting and trading in the European colonies caused many species to decline in number. For instance, in Africa and Asia, the demand for ivory expanded rapidly with the increased demand and manufacture of cutlery, pianos, billiard balls, combs, and ornaments, and in Latin America, birds were traded on a large scale for the fashion industry in Europe (Boekhout van Solinge, 2010; MacKenzie, 1988). During the twentieth century, the impact of the trade in endangered species became more transparent, and a conservation ethic began to take shape (Van Uhm, 2016). Humans became aware of the damage their activities had upon the environment and of the subsequent civic duty to protect the environment and its species against this exploitation. The extinction of several species in the nineteenth century, including the sudden or near-extinction of certain species such as the passenger pigeon and the North American bison, was widely noted (Harper, 1942).

At the beginning of the twentieth century, several organizations were established that sought to conserve and protect nature and the environment: the Sierra Club in North America, the National Trust in the United Kingdom, and the Dutch Society for the Conservation of Nature Reserves were all developed in respect to nature conservation and protection of wildlife species. Membership in such conservation

organizations was typically limited to hunters and fishermen and a small group of the social elite (Van der Heijden, 2004). This small group of elites, with a passion for natural history and hunting, was often influenced by worldviews concerning the relationship between humans and nature. Natural history was strongly linked to European exploration and trade; the expansion into the world to gain power and access to exclusive exotic products was viewed as a privileged domain of the aristocracy. This is illustrated, for example, by the demographic background of the Fauna Preservation Society in London, whose membership included the Secretary of State for the Colonies, Colonial Governors, and members of the House of Lords (Jepson & Whittaker, 2002). Historically, European imperialism and wildlife conservation are strongly interconnected (Duffy, 2000; Grove, 1995; MacKenzie, 1988; Sollund & Runhovde, 2020). By the beginning of the First World War, hunting as a sport had become the norm in the colonies, and following European expansion and the advent of the railways, the sport of hunting became extremely popular. During this period, the “values and abilities embodied in hunting” were seen as role models for children (Jepson & Whittaker, 2002). Excessive European hunting led to a significant decline in the number of exotic animals in the colonies, and consequently, conservation efforts were developed as a way to maintain viable wildlife populations for continued hunting by Western elites (MacKenzie, 1988). Many of the first game reserves and related regulations were developed to protect the interests of Western elites and to further export their moral values. This resulted in several disadvantages for indigenous populations regarding restrictions around their natural resources and social differentiation with settler communities (Duffy, 2022).

In 1930, the Fauna Preservation Society reported, based on visits to the British colonies in East and Central Africa, that many species in Africa were heading for extinction. Long-term survival would only be possible by the separation of humans and nature through national parks and sanctuaries (Jepson & Whittaker, 2002). The role of imperialism in conservation remained strong as the displacement of local communities and restrictions on hunting were ratified through the establishment of many National Parks and Game Reserves (Van Uhm and Grigore, 2021; Hutton & Dickson, 2000; Ranger, 1989). African tribes were not only removed from their land by force when such reserves were created, but they were also forbidden to hunt their “natural resources” in the context of racial separation. Conservation efforts were mainly developed to protect the interests of the elites by sealing off natural areas and exclude local people through so-called fortress conservation (Brockington, 2002). Meanwhile, hunting for sport, leisure and trade by Europeans was legal and accepted. Western European hunting methods would ensure a quick kill without animals having to suffer, while the “degrading” African hunting methods with snares and traps were defined as cruel and unsporting. Africans were represented as uncivilized, barbaric, and greedy poachers (Duffy, 2010; Nurse, 2015). From this perspective, it was both a conservation of wildlife and a conservation of the social order (Dickson, 2000; Duffy, 2000, 2010). Not only was conservation (as social order) of great importance for the European settlers, but it also played a crucial political and economic role. For example, according to Carruthers (1989), the establishment of the Kruger National Park played a pivotal role in connecting Afrikaans

and English speakers and establishing “cross-class alliances among the whites” (Dickson, 2000: 165).

In this context, the first environmental protection agreements and national parks—the Virunga National Park in 1925 and the Kruger National Park in 1926—were developed not only to reduce environmental degradation but also to control overhunting and poaching (Duffy, 2022; Marijnen & Verweijen, 2016; Roe et al., 2002; Van Uhm et al., 2022). In Europe, the London Convention Designed to Ensure the Conservation of Various Species of Wild Animals in Africa Which Are Useful to Man or Inoffensive was signed in 1900.² Although this treaty was important for the colonial states of Africa, it never entered into force (Schneider, 2012). Another regulation was the London Convention Relative to the Preservation of Fauna and Flora in their Natural State of 1933 for the protection of African fauna and flora that brought together delegates from colonial powers and African territories. These countries, together with the colonies in Africa, committed themselves to protecting endangered species and to regulating the importation of such animals and the products thereof (Fitzgerald, 1989; Jepson & Whittaker, 2002). Other countries could accede to this convention, and to import protected animals or products derived thereof, permits were required. Though the convention came into force in 1936, it was not entirely effective due to the lack of enforcement and supervision. Poaching and the trade in products such as elephant tusks and animal skins proved difficult to subdue as a result of continued demand from Europe and North America. Four years later, in 1940, the Washington Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere was established. This convention intended to control the trade in endangered species by creating a licensing system. This convention reflects the modern regulations that soon followed (Nurse, 2015; Schneider, 2012; Wyatt, 2022).

While international efforts to reduce the trade in endangered species were obstructed for a long time by strong economic and industrial interests, environmental and ecological concerns began to take precedent during the second half of the twentieth century (Nadelmann, 1990). On October 5, 1948, 18 governments, 7 international organizations, and 107 national conservation organizations came together to create the first global environmental network, called the International Union for Conservation of Nature (IUCN), with the major goal of protecting nature from harmful interventions by human activities (Christoffersen, 1994). Public awareness significantly increased in the 1960s and 1970s due to the international wave of environmental protest movements. These were strengthened by authoritative groups, such as the Club of Rome, that warned against the impact of economic growth upon the environment. Growing concern within the international

²One of the most famous US laws regarding the protection of wildlife is the US Lacey Act dating from 1900, originally focussing on the conservation of wild birds, due to the large domestic trade in feathers for the fashion industry. The domestic trade in native species was restricted, and the importation of certain wildlife products was protected by foreign laws and banned. Similar legislation was enacted at the same time in other countries such as Australia (1913) and Canada (1914) (Roe et al., 2002).

community about the rate of species extinction began to materialize (Jenkins, 2000). As a result of the increasing attention to declining wildlife in the 1960s and 1970s, the IUCN adopted a resolution. This resolution led to an agreement between 80 countries entering into force in 1973, regarding the trade in endangered animal and plant species. This multilateral treaty is the “Convention on International Trade in Endangered Species of Wild Fauna and Flora” (CITES).

Regulating or Banning the Trade?

CITES is the governing international legal framework that regulates the trade in wild animals and plants through CITES issued permits. In 1975, CITES officially entered into force (Inskipp & Wells, 1981). It should be noted that the conception of CITES was an initiative led by the Northern countries, while developing countries were largely unaware. According to Dickson (2003), the convention was developed with little attention being paid to the background problems faced by poor source countries regarding their need to maintain their “natural resources”. While several authors see this development as a continuation of the colonial approach to conservation in a post-colonial world of the white man’s burden, the notion slowly changed into the idea of conservation for all humans (Dickson, 2000; Van Uhm, 2018).

CITES, as the main multilateral treaty regulating the international trade in wildlife, is viewed as the most important instrument for the regulation of the trade in wildlife; CITES has been adopted by 184 parties (182 countries and the European Union). However, while its aim is “to ensure that international trade in specimens of wild animals and plants does not threaten their survival” (Dickson, 2003: 24), there is little empirical evidence that such trade measures will work whenever a wild species is threatened (Wyatt, 2021). According to Dickson (2003), it could be effective in some cases, while in others, alternative measures would have to be implemented. According to Hutton and Dickson (2000), part of the weakness of CITES is that it is not always successful in enforcing its bans on CITES I species and is often unable to successfully regulate the trade in CITES II species. Jenkins (2000) proclaims that, in practice, the condition that CITES II categorization of a species will not be detrimental to its survival is often violated, and as a consequence, such species have become more endangered elevated them in categorization to CITES from CITES II to I.

Moreover, CITES is an agreement that regulates the trade in endangered species. Its purpose is not to ban trade or to conserve nature but to regulate the possibilities that are available in the trade in endangered species. Consequently, it has been observed by Wyatt (2021) how CITES gives little attention to animal welfare. According to Sollund (2019), CITES is designed to maintain the trade in wildlife and, therefore, the continued consumption of animals; species’ rights or animal welfare issues are rarely touched upon. Moreover, the effectiveness of CITES depends on the Parties that implement its decisions (Martin, 2000a; Reeve, 2014; Wyatt, 2021). Wyatt (2021) critically notes how the lack of implementation and

compliance of CITES by the member countries is a serious issue—nearly half of CITES parties have not fully implemented the Convention, many parties have not prohibited violations of the Convention, and parties that do not comply are rarely held to account.

In the context of historical regulation and criminalization, together with the establishment of CITES, political, cultural, and emotional considerations are also important (Wyatt, 2021). For instance, the Netherlands tried to get Merbau and Ramin timber on the CITES II list in 1992. Many developing countries voted against the proposal, with the main argument being the colonial position of the Netherlands (Van Uhm, 2016). Moreover, still criticized by several scholars (Duffy, 2022; MacKenzie, 1988; Wu & Wen, 2015), CITES has been largely developed by conservationists from the North, while Southern developing countries see the preservationist approach as a legacy of the colonial period, suggesting instead that a more successful conservation plan must provide benefits for the local people in source areas (Hutton & Dickson, 2000).

The Further Process of Criminalization

During the 1990s, reports on the decline in biodiversity highlighted the impact of human activities on the environment and strengthened concerns with warnings of the beginning of the sixth mass extinction; the criminalization of the trade in wildlife continued (Leakey & Lewin, 1995; May et al., 1995; Pimm et al., 1995). Nadelmann (1990) distinguishes four stages in this process of criminalization. In the first stage, the targeted activity is regarded as entirely legitimate, whereby states are often the principal protagonists and are aiders and abettors of the activity. For a long period, the trade in wildlife was completely legal. As described in this chapter, the first regulations regarding wildlife trafficking were established by colonialists in the early twentieth century.

During the second stage, the targeted activity is redefined as a problem by moral entrepreneurs (Nadelmann, 1990). The process of the criminalization of the trade in wildlife has traditionally been driven by global attention by Western moral entrepreneurs, with a dominating influence by environmental organizations (Duffy, 2022). Environmental nongovernmental organizations (NGO's) emphasize the rational drivers behind the wildlife trade, such as low probability, low penalties, and high profits, or the emotional aspects, such as the harm to animals during poaching, transport, or at the final destination (RSPCA, 2004; WWF, 2021). The influence of NGOs on the criminalization process is also illustrated by those that financially support and cooperate with law enforcement. The Memorandum of Understanding signed by the IFAW (International Fund for Animal Welfare) and Interpol to tackle wildlife crimes is a principal example of such a relationship.

During the third stage of criminalization, regime proponents start to actively push for the suppression and criminalization of the targeted activity. In addition to intensified lobbying by several NGOs, prominent persons of a political status have

also contributed to the process of criminalization in recent years. For instance, former president of the US Barack Obama, signed the “The Eliminate, Neutralize, and Disrupt (END) Wildlife Trafficking Act” on October 7, 2016, to help combat wildlife trafficking. He referred to an escalating international crisis: “The poaching of protected species and the illegal trade in wildlife and their derivative parts and products (...) represent an international crisis that continues to escalate. Poaching operations have expanded beyond small-scale, opportunistic actions to coordinated slaughter commissioned by armed and organized criminal syndicates.”³ Another example is the UK government hosting the London Illegal Wildlife Trade Conference that brought together global leaders to “help eradicate illegal wildlife trade and better protect the world’s most iconic species from the threat of extinction.” They called upon the international community to “act together to support and build urgent collective action to tackle the illegal wildlife trade as a serious crime carried out by organized criminals, and to close markets for illegally traded wildlife.”⁴ The active push from such initiatives takes many forms, from diplomatic pressure to propaganda campaigns. Mass media also reflects this development by publishing such headlines as “Wildlife crime ranks among trafficking in drugs, arms, and humans,”⁵ “Organised crime sets sights on wildlife,”⁶ and “\$213 billion illegal wildlife and charcoal trade funding global terror groups.”⁷ Traditionally, mass media has played a substantial role in the process of criminalization (Brisman & South, 2014). According to Ferrell et al. (2008: 71), “the emotions engendered by media images and collective representations of crime affect individual and collective behaviour.” The role of the media is illustrated by the presentation of images of environmental disasters or nonhuman animal victims of the wildlife trade (Benton, 1998). Such attention may lead to “moral panic” caused by the aggravating factors of media, politics, and the public (Cohen, 1972).

In stage four, the targeted activity becomes the subject of criminal law, and laws and regulations are modified or become stricter. In this context, international institutions and conventions start to play prominent roles (Nadelmann, 1990). This is illustrated by the agreement of the UN Commission on Crime Prevention and Criminal Justice in April 2013 that illegal wildlife trade should be treated as a “serious crime” (Article 2b), an offence punishable by a maximum deprivation of liberty of at least 4 years or a more serious penalty. UN countries are encouraged to adapt their sentences so that a custodial sentence of 4 years or more can be imposed in the context of the illegal trade in wildlife.⁸ This means that the trade in wildlife is formally

³The White House Office of the Press Secretary, “Executive Order—Combating Wildlife Trafficking.”

⁴https://www.gov.uk/government/topical-events/London_Conference_on_the_Illegal_Wildlife_Trade_2018

⁵The Guardian, “Wildlife crime ranks among trafficking in drugs, arms and humans.”

⁶BBC, “Organised crime sets sights on wildlife.”

⁷The Guardian “\$213 billion illegal wildlife and charcoal trade funding global terror groups.”

⁸CITES, “CITES Secretary-General welcomes adoption of UN Commission on Crime Prevention and Criminal Justice draft resolution recognizing wildlife crime as a serious crime.”

transformed into a criminalized industry that is defined as a “serious crime” in a relatively short period of time. Moreover, it has become a global problem in the context of the ecological crisis but also due to the involvement of transnational criminal organizations.

The Organized Crime Narrative and its Consequences

Organized crime group’s involvement in wildlife trafficking is not a new phenomenon (ECOSOC, 2002, 2003; Moreto & Van Uhm, 2021; Søyland, 2000). Cook et al. (2002: 4) noted 20 years ago that “organised crime elements are becoming increasingly involved in the most lucrative parts of the illegal trade and they are prepared to use intimidation and violence.” The process of criminalization outlined above has shaped perceptions in recent years such that greater attention is now given internationally to the role of organized crime networks in regard to wildlife trafficking (Van Uhm, 2023). But how can we understand the increasing involvement of powerful criminal actors in the illegal wildlife trade, influenced by the same process of criminalization?

In addition to the social construction of wildlife trade as a serious crime, involving the framing of illegal wildlife trade as being controlled by organized crime networks (Massé et al., 2020), one explanation is that increasing globalization in the past 20 years has allowed opportunists to professionalize quickly (Van Uhm & Nijman, 2022). For example, illegal wildlife traders that started their career as opportunistic entrepreneurs expanded into multimillion-dollar organizations in recent decades due to the profitability of the business combined with the internationalization of the trade facilitated by globalization (Van Uhm, 2020).

The rising black-market prices for endangered species are another major incentive for organized crime: a kilogram of rhino horn is now worth more than its weight in gold or cocaine. Former members of organized crime groups that have turned to the illegal trade in wildlife illustrate this career shift. Driven by perceptions of low risks and high profits, organized crime groups, including Chinese organized crime and Mexican drug cartels, have diversified their portfolios from “traditional” criminal activities, such as drug trafficking or human trafficking, into the illicit trade in wildlife (Martínez & Alonso, 2021; Van Uhm, 2023). Furthermore, political priorities can also influence the focus of criminal organizations. In the “Golden Triangle,” the border region where Laos, Myanmar, and Thailand meet, repressive policies on the opium and methamphetamine trade influenced a switch of criminal organizations to the wildlife trade; rhinoceros’ horn, tiger bones, and ivory have become important contraband in the local political economy (Van Uhm & Wong, 2021).

In other words, the activities of organized crime continuously evolve in response to socioeconomic, political, legal, and ecological changes. By shifting their operations, organized crime groups are able to diversify into new illegal markets, including wildlife markets (Interpol, 2016; Van Uhm & Nijman, 2022). This allows them to infiltrate, cut across borders, penetrate fragile governments, and open up branches

abroad devoted to a specific set of activities (Campana, 2013). Some organized crime groups make a career shift to new businesses and infiltrate new markets in an effort to adapt to changing conditions (Von Lampe, 2015), whereas other groups attempt to dominate new markets completely (Varese, 2011).

Furthermore, organized crime is known to thrive in economically vulnerable and underdeveloped areas where governments fail to effectively enforce the monopoly on violence (Bovenkerk et al., 2003). Several biodiversity hotspots that harbor endangered species are faraway regions that suffer from high levels of poverty and a lack of social services. Reference can be made to small villages along the Caspian Sea where the “caviar mafia” cooperates with corrupt police and fish inspectorates (Van Uhm & Siegel, 2016), or the Rif Mountains of Northern Morocco, traditionally known as a “smugglers’ paradise” with a high degree of poverty where opportunists have become part of criminal wildlife networks (Van Uhm, 2016).

In addition to socioeconomic and geopolitical influences, the transparency of trade is also changing. Until recently, there was little expertise on wildlife trade due to a lack of in-depth investigations. However, international organizations such as Interpol, the FBI, and CIA as well as NGOs have put more efforts and resources into investigating this form of crime. “If you search more for this type of crime, you will find more,” one Europol specialist highlighted.⁹

However, this drive toward securitization, and criminalization of wildlife products can also have a paradoxical effect (Duffy, 2022). A significant amount of illegal wildlife trade previously occurred in broad daylight, yet the majority of trade now takes place under the cover of darkness and with new criminal alliances being established in response to the increasing criminalization and arrests of recent years. This is reflected by more sophisticated equipment and heavy arms used by the criminal networks involved (Van Uhm, 2022). Members of crime groups indicate that their operations and *modi operandi* had to be adjusted and improved to anticipate and adapt to law enforcement activities (Van Uhm, 2016; Van Uhm 2023).

Moreover, the wildlife trade as a gradually criminalized business has also impacted ground-level conservation efforts, particularly within the scope of managing and monitoring protected areas. Poachers and park rangers are increasingly arming themselves in the context of so-called green militarization, whereby repressive policies are proposed as a solution against poaching, resulting in increasing casualties on both sides (Duffy, 2022; Marijnen & Verweijen, 2016). Many have lost their lives in the wildlife battles that take place in Africa’s National Parks or in the clashes between poachers and federal government enforcers in Russia over the valuable eggs of the sturgeon. Critics have questioned the overreliance on aggressive, militarized anti-poaching strategies that are justified by authorities who claim that such strategies are inevitable in the fight against heavily armed hunters supported by transnational organized groups. For example, the involvement of organized crime groups in funding and supporting the poaching of fauna, including elephants and rhinoceroses in Africa, has led to the reliance on militarized anti-poaching strategies

⁹Nieuwsuur 2016 Europa speelt grote rol in illegale dierenhandel.

to achieve conservation goals (Duffy et al., 2010). This has resulted in a reinforcement of the neocolonial fortress conservation mentality and a shift away from localized and contextualized community-based conservation initiatives that might be more suited for particular settings. This in turn may negatively impact community-based approaches and relations due to a disproportionate effect on indigenous or local peoples, further minimizing their support and role as frontline guardians and stewards (Duffy, 2022).

Discussion and Conclusion

During the mid-twentieth century, Sellin (1938) and Sutherland (1940) already emphasized the social construction of crime; crime depends on the time and place in the context of changing norms and morals. Deviance is not “a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an ‘offender’” (Becker, 1963: 9). In other words, crime has no ontological reality; crime is not the object but the product of criminal policy (Hulsman, 1986). For the trade in wildlife, the criminalization that emerged during the 1900s was influenced by socially dominant groups with a passion for natural history and hunting. Although initiatives for the protection of endangered species regularly stagnated due to the economic and personal interests of powerful stakeholders, the second half of the twentieth century saw growing public concern regarding the environment due to the significant decline in animal populations. Public awareness has continued to rise from the 1960s onwards, punctuated by waves of international environmental protests enhanced by authoritative groups that underlined declining species populations. The media increasingly focused on environmental and ecological concerns, such as the harmful effects of whaling and the ivory trade on remaining populations (Benton, 1998; Jenkins, 2000; Nadelmann, 1990) and the rate of species extinction during our lifetime (Seidensticker, 1987). Consequently, CITES came into force to regulate the trade of endangered species, and their protection has become a global concern in the context of the environment and human interests. In the 1980s, the term “biodiversity” (biological diversity) introduced by Wilson (1998) gained widespread recognition and stimulated serious concern regarding global defaunation and its effects on biodiversity, and in the 1990s, reports on the decline in biodiversity highlighted the impact of human activities on the environment and strengthened concerns regarding the beginning of the sixth mass extinction (Leakey & Lewin, 1995; May et al., 1995; Pimm et al., 1995).

During the 1990s and 2000s, perceptions of actors behind the trade in endangered species shifted and moral entrepreneurs pushed to further criminalize the trade by linking it to organized crime structures. Socioeconomic, political, and environmental changes thus followed and paved the way for the actual diversification of organized crime into the illegal wildlife trade (Van Uhm, 2021). Consequently, the involvement of organized crime poses new socioecological threats, and responses are presently mediated through a law enforcement-first approach. This promotes

legal and judicial reform, criminal investigations, intelligence gathering, law enforcement technologies, and informant networks that moves illegal wildlife trade away from a conservation issue and toward an issue of criminality. The perpetrators of the wildlife trade are construed as “serious” and “ruthless” criminals, and part of organized crime syndicates linked to drugs and human trafficking (Massé et al., 2020). On the one hand, there is sufficient evidence that organized crime groups have infiltrated into the illegal wildlife trade, which complicates traditional conservation approaches and further demands more sophisticated forms of local and global prevention and reaction strategies (Van Uhm, 2023). On the other, portraying the myth that all actors involved in illegal wildlife trade are dangerous and violent organized crime members is erroneous, fails to capture the full scale of empirical realities, and paradoxically diminishes community-based conservation initiatives.

Now in the twenty-first century, wildlife crime is no longer only a conservation issue but is being linked to serious organized crime structures. This discursive move stimulates a trajectory of criminalization and attract similar levels of attention and resources afforded to other serious forms of crime. The United Nations encourages member states to codify illegal wildlife trade as a serious crime in their national legislation and urges countries to coordinate and allocate resources to tackling illegal wildlife trade in accordance with the United Nations priorities (Van Uhm, 2018; 2016). This has promoted new reflections on the need for combatting wildlife trafficking, for example, by developing its own protocol under the United Nations Declaration on Transnational Organized Crime. The criminalization of the illegal wildlife trade may lead to an increased prioritization in tackling organized crime groups involved in the illegal wildlife trade, greater focus on tackling the corruption linked to wildlife trafficking, and more efforts to reduce the social and environmental harms, such as animal harm, affected ecosystems, and the vulnerable young people being recruited by organized syndicates for poaching or smuggling illegal wildlife. Such responses however require tailored solutions, since many actors in the illegal wildlife trade are not part of organized crime structures, but rather opportunistic individuals (Pires et al., 2015). Strictly repressive approaches channeled through a “war on illegal wildlife trade” discourse and manifest in forms of predictive policing based on risk assessments may cause significant collateral damage (Massé et al., 2020). The focus on conservation as crime fighting may affect local community-based initiatives and detract from the income, livelihoods, and prosperity of vulnerable people. Poaching and the illegal wildlife trade is considered by many local communities as a way out of poverty and as a calculated livelihood strategy. The organized crime discourse overshadows discussions about sustainable livelihoods, long-term preventative initiatives and eco-centric approaches that consider the local communities as crucial guardians of the local ecosystem. Strategies should therefore be developed alongside local communities to reduce wildlife crimes and to consider justice for human and nonhuman inhabitants and ecosystems (Hübschle, 2016; Titeca, 2019; Van Uhm, 2023).

This chapter has illustrated how the criminalization of the trade in wildlife is continuous. For a long period, the trade in wildlife was legal but has recently transformed in a relatively short period of time into a criminalized industry that is defined

as a “serious crime.” Even though increasing diversification of organized crime groups into the illegal wildlife trade requires sophisticated enforcement reactions, blanket criminal policies may simultaneously have detrimental effects. By criminalizing the wildlife trade, it should not be expected that these criminal networks will disappear. Although the trade will become less attractive for criminal networks due to increased risk of apprehension and more severe punishments, prices on the black market may also rise and alongside the appeal for other criminal networks. In the near future, it can be expected that the mass extinction of species will continue, concerns regarding biodiversity will increase, and that the entire wildlife business will be increasingly framed as a more serious form of crime. As such there is a crucial need for critical thinking about the impending social and environmental consequences, reflecting upon the long history of attempts to prohibit other serious crimes such as drugs and human trafficking. Eco-justice, species justice, and reparative justice mechanisms may assist in developing preventive and reactive strategies by integrating interests of the human and nonhuman inhabitants, alongside the ecosystems of the last bastions of biodiversity.

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