Dealing with Transnational Environmental Crime

Once a means of survival and a source of capital for merchants and barterers alike, animal trade, otherwise known as animal trafficking, never concerned environmental or federal organizations. However, because of an increase in demand and unveiled knowledge of large profits, numerous species have become overexploited and are on the brink of extinction. Many high-tech poaching groups and organized crime syndicates capture and kill animals on mass scales and illegally smuggle shipments across borders. Global treaties have been enacted such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora to try to reverse this process, but have been plagued with enforcement issues bilaterally (between neighboring countries), multilaterally (between multiple countries), and internationally. Once governments realize animal trafficking is considered a serious offense, nations need to work together to fight this transnational crime. The overexploitation of animals caused by the illegal wildlife trade has created environmental concerns and has attracted organized crime with its large profits, thus increasing the need for better border enforcement and universal laws that not only follow trade regulations, such as CITES, but also issue suitable punishment.

Animal trafficking varies in size from single items to multi-ton shipments. It can include a variety of animals and animal products sold for large profits over international and national borders. According to Michael Lemonick and Andrea Dorfman, caviar from the Caspian Sea has
been gathered by the masses, African elephants have been slaughtered by the thousands, and birds and reptiles have been captured across long distances from South America (77). Animal products can include but are not limited to decorative skins, rugs, rhino horns, elephant ivory, and caviar. They also can be used for making jewelry, concocting traditional medicines in Asian cultures, and human consumption (Sheikh and Wyler 3). According to several authors such as Michael Lemonick and Andrea Dorfman, Liana Wyler and Pervaze Sheikh, and Mara Zimmerman, this multifaceted industry brings in revenues anywhere from 5-10 billion dollars annually. The basic concept of supply and demand explains why this lifestyle brings in high revenues because increases in demand and a limited supply cause prices to increase. Interpol claims, “wildlife trafficking is now the second largest form of black-market commerce, behind drug smuggling and ahead of arms dealing” (Dorfman 77). What differs between these three examples is that animal trafficking also includes the possible danger of death that comes with poaching wild animals. Thus, trafficking adds to the increase in profitability drug smuggling and arms dealing doesn’t have. The most notable animals and animal products with the highest profits are the Lear Macaw, rhino horn, ivory, and Beluga caviar. These can respectively range in prices from $60,000-$90,000, $50,000/kg, $1000-$2000/kg, and up $2000/kg (Sheikh 3). To increase profits, poachers and criminal groups exploit these resources to extreme and inhumane measures. They use advanced equipment and trade in bulk across nations’ borders. As Lorraine Elliott states, “Environmental crimes have become increasingly transnational, as those involved take advantage of a globalizing economy characterized by free trade [and by] increases in the frequency and volume of commodity shipments…” (Elliott 88-89). The increase
of trafficking across borders has low risks due to lax security enforcement, but has created environmental issues in return.

The overexploitation of animals due to animal trafficking, one of the fastest growing areas of criminal activity, has created environmental concerns by bringing select species closer to extinction and spreading disease to native species of foreign lands. For example in 2011, a project called Monitoring the Illegal Killing of Elephants (MIKE) noted that approximately 17,000 elephants were killed that year (Sheikh and Wyler 6). These numbers were based from reporting sites in Africa and did not include the total continental estimate, which would be larger. The numbers continued to rise when the early estimate for 2012 was posted as greater than 30,000 (6). Along with many other animals, elephants are disappearing at a fast rate and their tusks are reappearing in shipping containers destined for the black market. In Sri Lanka, Custom officials seized 1.5 tons of ivory tusks (Elliott 88). This Asia-Pacific region is said to account for 75% of illegal trade (90). Brazil accounts for 15% of illegal trade across its borders alone, including the smuggling of the highly endangered Lear Macaw, its native bird (89-90).

The smuggling of birds and other animals into foreign nations can also spread disease to native species and even humans. Of the emerging infectious diseases in humans, 75% have been found to be of zoonotic origin (Sheikh and Wyler 12). Pathogens may be found in “bushmeat” (wildlife that has been harvested) and is suspected to infect humans when consumed (11). However, poachers and animal smugglers are not concerned with the overexploitation of animals, nor the spread of infectious diseases. Moreover, they are not the only criminals behind animal trafficking. The large revenues that attract small scale smugglers and poachers also
attracts larger organized crime groups who are only concerned with the way they can maximize their profits.

There are many reasons why organized criminal groups become involved with the large-scale trafficking of animals. First, organized criminal groups, OCGs, want to maximize profits. They are able to receive the greatest return by “financial arbitrage,” in which these groups purchase animals at lower prices, in most circumstances from developing nations’ markets, and sell them for higher prices in another (Zabyelina 185). In general, this trend is a natural and innate way humans think. For example, consumers would never pay full price for a leather watch at Fossil when they can find it for less at stores like TJ Maxx or on sale online. Along with maximizing profits, OCGs have also become involved with animal trade because of the ease in which they can move shipments. When crossing borders, many criminals have artists forge their documents or they simply mislabel illegal shipments as animals that are not protected (Zabyelina 191). Along with deception, discrepancies between legislation of bilateral countries make it possible to relocate illicit activities to countries of less strict laws. If stopped and unable to slip through borders, many criminals are not afraid to use force or threats to get by without penalties. In many cases, OCGs possess greater resources and weapons than most officials, officers, and rangers. Several authors believe that many different organized crime syndicates are involved and in rare cases, governmental militant groups play a role in animal trafficking, providing weapons and connections for smooth transactions.

Corruption runs amok within the network of illegal animal trading. Lorraine Elliott claims that several corrupt governmental officials, militant groups, and drug cartels around the globe have partnered with OCGs to supply resources and information to aid in animal trafficking (93).
For instance, corrupt officials can be bribed to allow illegal shipments to pass across borders, destroy evidence in trials, and not prosecute convicts (94). Many officers are corrupt and wouldn’t mind receiving extra money. However, when there is a lack of connections, operations are foiled. A Japanese criminal syndicate called the Yakuza ran a whale smuggling operation in Nagazaki, but were detained for 11 tons of undocumented whale meat in 2015 (Dorfman 77). Missing documentation for large shipments seldom goes by unnoticed. When more resources are provided by the OCGs, operations run smoothly. Asian and Eurasian groups are suspected to fund poaching wildlife operations and the expenses of relocating shipments, allowing sectors to grow and illegal shipments to go unnoticed (Sheikh and Wyler 2). Along with mafia clans and criminal syndicates, militant groups also have joined the animal trafficking network. In some cases, terrorists and warlords have helped in the poaching of elephants and rhinos in parts of Africa and South Asia (4). Pervaze Sheikh and Liana Wyler mention reports considering some African militaries and armed groups such as the Congolese, Sudanese, Ugandan, Tanzanian militaries, Sudanese Janjaweed, the Somali terrorist organization Al Shabaab, and the Lord’s Resistance Army to be involved with poaching (6). There have been noted exchanges between governmental officials and illegal animal smuggling advocates as well. Jonas Savimb was supplied weapons for his UNITA rebellion in Angola. In return, Savimb personally gave the Prime Minister of South Africa, P.W. Botha, a life-size ivory AK-47 gift for working with him (Orenstein 47). Animal trafficking is responsible for not only the continuing environmental degradation and species extinction, but also undermines political stability through its connections to corrupt government officials and radical militant groups. Illegal
animal trade continues to increase because of corrupt officials and lax pre-existing regulatory legislation.

Throughout history, several laws have been enacted to fight this international crisis including the Cites Treaty of 1973, and the Lacey Act. But until animal trafficking is considered a “serious crime” and security efforts are increased, criminal activities continue to escalate. Mara Zimmerman claims that CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed by 163 countries, is one of the oldest environmental agreements to regulate the trade of certain species (3). The CITES treaty’s notable outcomes include “eliminating trade in highly endangered species (Appendix I), allowing controlled trade for at-risk species that could benefit from the revenue and conservation incentive of sustainable trade (Appendix II), and sometimes cultivating trade in captive-origin materials” (Doukakis et al 1).

The only problem with this treaty is that it does not claim that animal trafficking of restricted species is a crime. The treaty is not designed to dole out punishments and was made when organized crime was not heavily involved. A change in regulation can be made when individual countries consider wildlife trade as a “serious crime” that receives prison time. One law that accomplishes this feat, the Lacey Act, “imposes criminal or civil sanctions on any individual who imports or exports wildlife in violation of a state, federal, tribal, or foreign wildlife-related regulation” and “provides for fines of $500,000 per organization and up to five years imprisonment for each violation” (Zimmerman 8, 10). This measure allows officials to prosecute using foreign laws, but it is only effective with governments who adopt the treaty. Contrasting to the Lacey Act of the United States, violation of CITES legislature in India “carries a maximum penalty of only $5000 and two years imprisonment” (8). This lack of uniformity condones illegal
activity with little risk. Thus, it is important that all countries internationally adopt a legislature with criminal punishments that can be enforced bilaterally and multilaterally. In combination with universal environmental regulations enforcing criminal penalties, there is a need for more inspectors and security at borders to enforce the regulations.

International efforts to adopt cooperative measures that enforce criminal penalties, along with more security forces at borders, especially in underdeveloped countries, is an effective approach to fighting organized crime. Utilizing the international criminal police organization, INTERPOL, would be very beneficial. Involved specifically with fighting transnational environmental crime, INTERPOL’s Environmental Crime Program “coordinates and supports law enforcement operations around the world, with the aim of dismantling the organized criminal networks behind environmental crime” (Elliott 97). This program attempts to disrupt the illegal animal trade internationally, but it lacks depth to penalize all illegal actions in every country. In addition to large organizations combatting TEC, additional funds must be directed towards increasing the number of border patrols. Jorge Picon, the U.S. Fish and Wildlife Service’s senior enforcement agent located in Miami, Florida states there are “only five inspectors in Miami... enough to examine 3% of wildlife shipments” (Dorfman and Lemonick 77). Mara Zimmerman goes even further to conclude that there are only ninety inspectors in the US for its forty points of entry (5). Many illegal shipments slip through without being checked due to the lack of qualified personnel. Russia is another nation that is understaffed, having only two investigators checking whether imports and exports comply with CITES (3). Wealthy nations need to help underdeveloped nations as well with enforcement by either funding personnel, by request of the country, or by sharing information for the purpose of
prosecutions. Efforts to achieve this goal have been made by the United States in its U.S. Department of State’s strategy on Wildlife Trafficking (2012) that includes “enhanced diplomatic outreach to build foreign government support bilaterally and through multilateral mechanisms such as APEC, CITES, other UN bodies, INTERPOL, WCO, and the World Bank” and “continued international training, technical assistance, and cooperation to enhance wildlife law enforcement capabilities...providing $10 million in anti-poaching training and technical assistance” to countries in Africa such as South Africa, Kenya, and other Sub-Saharan countries (Sheikh and Wyler 15). This is one example in the reformation of border patrol made by a wealthy nation in order to help out underdeveloped nations, but there has to be an international effort to increase all border patrols in order to take control of transnational environment crime.

The import and export of endangered species against the regulations of the CITES treaty has raised awareness among many governments because of its detrimental effects on the environment and its connections to organized criminal groups. The overexploitation of species has brought populations dangerously close to extinction. Many organized criminal groups have joined the illegal trafficking of animals because of the high profits, few to none border patrol, and trading laws that differ in severity bilaterally and multilaterally. To counteract transnational environmental crime, governments have to start working together by adopting legislature with criminal punishments that can be enforced across shared borders and also by increasing the number of security in heavily trafficked areas. It is very hard to penalize people involved with the illegal animal trade transnationally when laws do not overlap between countries and when security forces are outnumbered at borders. Until this is accomplished and becomes an
international priority, organized crime will destabilize governments and will continue with their own agendas.
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