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ILLEGAL WILDLIFE TRAFFICKING FROM AFRICA, THROUGH THE EU, TO CHINA

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Abstract

Wildlife trade between China and Africa, through the EU, is very intense. This trade includes several species listed in the CITES Appendices, including the African elephant. Major seizures of these products, such as elephant ivory, are being made around the world (China, Belgium, DRC, etc.). These seizures show that this trade is not only taking on worrying proportions, but is also threatening international security and the survival of the species being traded. To tackle this crime, governments, notably on the basis of CITES, have put in place legal frameworks and a punitive system to tackle illegal international trade. Significant efforts have been made, but they are still not enough to bring this fight to a successful solution.

Keywords: Wildlife trade, wildlife crime, illegal trade, wildlife.

Résumé

Le commerce d'espèces sauvages entre la Chine et l'Afrique, via l'UE, est très intense. Ce commerce concerne plusieurs espèces inscrites aux annexes de la CITES, dont l'éléphant d'Afrique. D'importantes saisies de ces produits, comme l'ivoire d'éléphant, sont effectuées dans le monde entier (Chine, Belgique, RDC, etc.). Ces saisies montrent que ce commerce prend non seulement des proportions inquiétantes, mais qu'il menace également la sécurité internationale et la survie des espèces commercialisées. Pour faire face à cette criminalité, les gouvernements, notamment sur la base de la CITES, ont mis en place des cadres juridiques et un système de sanctions pour lutter contre le commerce international illégal. Des efforts considérables ont été déployés, mais ils ne sont pas encore suffisants pour mener à bien cette lutte.

Mots-clés : Commerce des espèces sauvages, criminalité faunique, commerce illégal, faune et flore sauvages.

1. Introduction

The demand for wildlife products is very high in China. Rare animal parts are used as ingredients in tonics, as 'symbols of social distinction' or as investments¹, but above all for the manufacture of traditional medicine. Indeed, there are many examples of traditional Chinese medicine concocted with animal parts. Examples include rhinoceros horns and pangolin scales, ground into powder, which are said to help treat cancer, bear bile for liver problems, and tiger bone liquor for strength and vigour.² In 2018 alone, the market for these medicines is estimated around 34 billion euros in the country's economy. This thriving trade has been growing by 11% per year since 2013.³

¹ G. GE GABRIEL, Will China Say No to Wildlife Trade?, *UN Chronicle*, September 2014, No. 2 Vol.LI, Illegal Wildlife Trade, available at: <https://www.un.org/en/chronicle/article/will-china-say-no-wildlife-trade>, consulted 30/10/2023.

² J. LACAZE, *Les croyances de la médecine chinoise à l'origine d'un important trafic d'animaux*, available at: <https://www.nationalgeographic.fr/animaux/les-croyances-de-la-medecine-chinoise-lorigine-dun-important-traffic-danimaux>, consulted 20/06/2021.

³ *Ibid.*

The increase in Asian demand for illegal wildlife products is directly linked to the intensification of poaching in Africa, as demonstrated by the CITES elephant report presented at the 62nd meeting of its Standing Committee. This document highlights the close correlation between the increase in elephant poaching in Africa and the rise in consumer purchasing power in China, the leading ivory demand country.⁴ Taking the case of the elephant as an example, each link in the trade chain, from poaching to trafficking in endangered wildlife products to the demand for these products, causes terrible suffering to the animals and pushes them towards extinction.⁵

Faced with such an exponential demand, with limited internal resources and enormous profits, many traffickers do not skimp on the means to satisfy this demand. Such a challenge pushes them to seek the said products in Africa, which is still an 'El Dorado' for wildlife species. Hence the development of a trade in these species between Africa and China. This trade chain, which links countries of origin and consumer countries, often via major transit hubs, are mainly established by organised criminal groups.⁶ The latter frequently use indirect routes, in particular to avoid being caught.⁷ This is why the European Union (EU) offers itself as a good transit area. Indeed, the EU Member States, including Belgium, serve mainly as transit countries for many species, especially between Africa and Asia.

For example, in recent years, Member States have reported seizures of ivory and rhino horns in transit and illegal imports of live specimens of reptiles and exotic birds.⁸ In 2016, the competent authorities of 24 EU Member States reported to the European Commission a total of 2,268 major seizures of wildlife products, 63% of which were made at the EU's external borders. The main product groups seized at EU borders were medicines (42%), ivory (14%), corals (10%), reptile parts and derivatives (7%), live reptiles (5%), caviar (4%), and plants. Most of the import seizures originated in China, the USA, Switzerland and Thailand, while most of the export seizures were destined for China (including the Hong Kong Special Administrative Region), the USA and Vietnam. Most of the seizures were made at airports, and compared to previous years, more of the seized products were sent by express parcel or postal service.⁹

Wildlife trafficking is a major attraction for criminals. This traffic is part of what is more globally called 'wildlife crime'. This latter, more globalized term, refers to 'the taking, trading (supplying, selling, or trafficking), importing, exporting, processing, possessing, obtaining and consumption of wild fauna and flora, including timber and other forest products, in contravention of national or international law'.¹⁰ This is a highly lucrative activity and law enforcement is not a high priority in

⁴ CITES, *Elephant conservation, illegal killing and ivory trade*, Sixty-second meeting of the Standing Committee, Geneva, 23-27 July 2012, SC62 Doc. 46.1 (Rev. 1), Annex. Status of elephant populations, levels of illegal killing and the trade in ivory: A report to the CITES Standing Committee, available at: <https://cites.org/sites/default/files/eng/prog/MIKE/SC/E-SC62-46-01.pdf>, consulted 30/10/2023.

⁵ GE GABRIEL, G., Will China Say No to Wildlife Trade?, *UN Chronicle*, September 2014, No. 2 Vol.LI, Illegal Wildlife Trade, available at: <https://www.un.org/en/chronicle/article/will-china-say-no-wildlife-trade>, consulted 30/10/2021.*note 1*.

⁶ WWF/DALBERG, *Lutte contre le trafic illégal d'espèces sauvages: Consultation avec les gouvernements*, WWF International, Gland, 2012, 11, available at https://awsassets.panda.org/downloads/wwffightingillicitwildlifetrafficking_french_lr.pdf, consulted 30/10/2023.

⁷ *Ibid.*

⁸ EUROPEAN COMMISSION, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Action Plan against Wildlife Trafficking*, 26/02/2016, COM (2016) 87 final, 3.

⁹ EUROPEAN COMMISSION, *Report from the Commission to the Council and the European Parliament, Progress report on the implementation of the EU Action Plan against Wildlife Trafficking*, 24/10/2018, COM (2018) 711 final, 4.

¹⁰ ICCWC, *ICCWC Vision 2030. Towards a world free of wildlife crime*, 5, available at: https://cites.org/sites/default/files/ICCWC%20Vision/ICCWC_VISION_2030_0.pdf, consulted 30/10/2023.

most countries compared to other forms of trafficking, so the risk of being caught and sanctioned is very limited.¹¹ Such trade is in violation of the international framework that regulates international trade in wildlife (the CITES Convention¹²), of regional regulations on the matter (in the case of the EU, which serves as a transit country), but also of the national laws of the countries concerned, both in terms of export, import and transit.

With wildlife crime rates still on the rise, there is reason to question the effectiveness of these legal frameworks. Before analysing the legal framework, we will give an overview of the extent of illegal wildlife trade between Africa and China through the EU (section 2). Section 3 will analyse the legal framework and policies, as well as some initiatives to combat this crime in the Democratic Republic of Congo (DRC), Belgium and China. These countries have been chosen because of their role as import country (DRC), transit country (Belgium) and destination country (China).

2. The scale of illegal wildlife trade between Africa and China

The international trade in wildlife species is taking on worrying proportions. Whether it is legal or illegal trade, there is a significant demand for wildlife specimens in China. Recent statistics show a substantial increase in the rate of illegal wildlife trade products leaving Africa to supply Asian markets, especially China's.¹³ Several sources report several seizures of illegally traded wildlife products. These include the World Wildlife Crime Reports from the United Nations Office on Drugs and Crime (UNODC). The 2016 report notes that between 1999 and 2014, 164,000 seizures were made, with nearly 132,144 seizures from 2005 to 2014 alone.¹⁴

According to the UNODC report of 2016, between 2006 and 2015, Asia remained the main destination of seized ivory with approximately 80% of the quantity of seizures. Within this continent, China beats the record with 42% of the global seizures. According to the UNODC 2020 report, looking at the period from 2015 to 2019, we see that Asia continues to be the main destination for ivory.¹⁵ China has dropped to 27% of seizures, down 15% from 2016 estimates, and Vietnam is in first place with 34%. As for the domestic ivory market, the 2020 report indicates that the DRC accounts for 52% of the market, China 32% and the rest of the world sharing the remaining 16%.¹⁶

It should be noted that ivory supplies come almost exclusively from Africa, while demand for ivory is mainly from the Far East.¹⁷ Central Africa has been identified as one of the main sources of illegal ivory, fueling unregulated domestic ivory trade throughout West and Central Africa and overseas destinations, especially Asia.¹⁸ The annual flow of ivory between Africa and the Far East has been

¹¹ EUROPEAN COMMISSION, *op.cit.*, 3.

¹² Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 3 March 1973, 993 UNTS 243.

¹³ UNODC, *Criminalité organisée et instabilité en Afrique centrale: Une évaluation des menaces*, 2011, 96.

¹⁴ A special concern is the trade in ivory. Data recorded in the Elephant Trade Information System (ETIS) between 2009 and 2014 show 159 metric tonnes of ivory, which represents about 15,900 elephants; see: UNODC, *World Wildlife Crime Report: Trafficking in protected species*, 2016, 29.

¹⁵ UNODC, *World Wildlife Crime Report 2020: Trafficking in Protected Species*, 2020, available at: https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World_Wildlife_Report_2020_9July.pdf, consulted 30/10/2023.

¹⁶ *Ibid.*, 52; see also : C. MASHINI MWATHA, *La CITES et la lutte contre la criminalité liée aux espèces sauvages. Évaluation de l'effectivité et de l'efficacité de la CITES et de sa mise en œuvre en Belgique et en RDC*, PhD thesis, Ghent University, 2021, 177-178.

¹⁷ UNODC, *Criminalité organisée et instabilité en Afrique centrale, Une évaluation des menaces*, 2011, 94.

¹⁸ S.C. NKOKE, J.F. LAGROT, S. RINGUET and T. MILLIKEN, *Ivory Markets in Central Africa – Market Surveys in Cameroon, Central African Republic, Congo, Democratic Republic of the Congo and Gabon: 2007, 2009, 2014/2015*, TRAFFIC, Yaoundé, Cameroon and Cambridge, UK, 2017, p. xiii.

estimated at 72 tonnes, worth some US\$62 million, which costs the lives of around 7,000 elephants each year.¹⁹

Of note are the various seizures of ivory products made in the DRC (2.1), Belgium (2.2.) and China (2.3.).

2.1. Seizures of ivory in the DRC

The DRC stands out as a source of ivory. Although it is home to a relatively small population of elephants compared to countries further south and east, it appears to contribute disproportionately to the illicit supply of ivory.²⁰ The DRC reported only six incidents to the Elephant Trade Information System (ETIS), but was involved in 396 cases reported by other countries between 1989 and 2009, far more often than any other country. More than 15 tonnes of ivory seized between 1989 and early 2010 were traced back to the DRC. About 58% of the ivory seizures traced to the DRC involved very large volumes, suggesting a high degree of organisation.²¹

In the DRC several seizures of elephant ivory were made between 2010 and 2018²², totalling 3,725.4 kg.²³ It has been noted that the DRC government is making efforts to combat the illegal ivory trade, especially since 2015. These governmental efforts, carried out notably through the Congolese Institute for Nature Conservation (ICCN), the DGDA²⁴, the Congolese National Police and the Justice Department, are supported by partners such as TRAFFIC, WWF²⁵, JURISTRALLE, AWF²⁶, WCS²⁷ and WRI²⁸. This support is provided through the Law Enforcement and the Fight against Wildlife Crime (ALCRIF) project.²⁹

It is also worth mentioning that several other seizures of ivory products from the DRC were made outside the country, i.e. 5,011.2 kg of ivory³⁰ in 2015 and 2016 alone and 8,800 kg seized in Singapore on 21 July 2019³¹, i.e. at least 13,811.2 kg. These include some cases of specimens that the DRC was unable to detect on departure from its territory.

¹⁹ UNODC, *Criminalité organisée et instabilité en Afrique centrale, Une évaluation des menaces, 2011*, 94; see also CITES Standing Committee, *Press release, CITES Standing Committee (SC65) conclusions: A focus on the front lines roll out of wildlife targeted actions to strengthen enforcement and conservation starts to show results*, Geneva, 14/07/2014, available at:

https://cites.org/eng/news/pr/2014/SC65_focus_on_the_front_lines, consulted 30/10/2023.

²⁰ UNODC, *Criminalité organisée et instabilité en Afrique centrale: Une évaluation des menaces, 2011*, 94.

²¹ Ibid.

²² It is difficult to collect the data, particularly as there is no national database of seizures, and there is a concern about the archiving of the available data.

²³ C. MASHINI MWATHA and C. NKOKE SONE, *Les Stocks d'Ivoire d'Eléphant de la République Démocratique du Congo : Quel Système de Gestion Mettre en Place ?*, TRAFFIC International, Yaoundé, Cameroun, 2020, 52-53.

²⁴ Direction Générale des Douanes et Accises.

²⁵ World Wide Fund for Nature.

²⁶ African Wildlife Foundation.

²⁷ Wildlife Conservation Society.

²⁸ World Resources Institute.

²⁹ This project is supported by the various CARPE partners in the areas of intervention: AWF (since 2013 with AJURLAB), WWF (2015-2017), WCS (2016 and 2017) and WRI (2016 and 2017).

³⁰ C. MASHINI MWATHA, C. MABITA MAFUTA and N. SHABANI AZIZA, *Le marché de l'ivoire d'éléphant à Kinshasa, RD Congo: 2015-2016*. TRAFFIC, Kinshasa and Cambridge, 2017, 27-28.

³¹ NTUMBA, A., *Conservation: 8,8 tonnes d'ivoire d'éléphant en provenance de la RDC saisis à Singapour*, July 2019, available at : <https://environews-rdc.net/2019/07/23/conservation-88-tonnes-divoire-delephant-en-provenance-de-la-rdc-saisis-a-singapour/>, consulted 30/10/2023.

All these seizures and the monitoring of ivory markets are encouraging news. However, successful prosecutions and dismantling of the criminal groups responsible are not often reported, suggesting that criminals are free to continue with little risk of disruption to their activities.³²

2.2. Seizures of ivory in Belgium

Seizures following illegal imports mainly take place at Zaventem airport (during passenger control, food control or parcel post control) or at the port of Antwerp (mainly tropical timber imports). Seizures can also take place on the territory of the Community when illegal trade is involved.³³

Because of its central location, Belgium plays a key role in the transport of people and goods in Europe.³⁴ Zaventem airport is one of the 15 busiest airports in Europe for commercial flights, and Antwerp is the second busiest for maritime transport. Such important transit hubs create opportunities for wildlife trade, both illegal and legal.³⁵

According to EU-TWIX data³⁶, from 2010-2018, of the 1,188 seizures reported in Belgium, 235 seizures involve elephant ivory, or 19.78%. These seizures count for almost 220 kg.³⁷ These seizure figures indicate that Belgium is an important actor (intermediary) in the illegal trafficking of CITES species, including medicinal plant products, ivory, seahorses and reptiles. The products transiting through Belgium mainly come from Central and West Africa, and are often destined for China.³⁸

All the seizures reported here represent only the tip of the iceberg of this illegal trade, which is worth almost 20 billion euros annually in the EU.³⁹

2.3. Seizures of ivory in China

³² TRAFFIC, Commerce illicite de la faune en Afrique, in *Bulletin semestriel d'application de la loi sur la faune*, juillet 2020, 3.

³³ SPF SPSCAE, *Deuxième rapport fédéral en matière d'environnement*, 2015, 41, available at: https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/19103856/Rapport%20f%C3%A9d%C3%A9ral%20environnement%20-%20RFE%20--%202015.pdf, consulted 30/10/2023.

³⁴ Belgium is a key EU transport hub of goods that provide significant opportunity for both legal and illicit trade to occur, which includes wildlife. In 2015, 221,000 commercial air flights (including passengers, freight and mail) went through Brussels Airport ranking it among the top 15 busiest airports in the EU. These flights involved a total of 23.27 million air passengers and more than 483,000 tonnes (t) of cargo and mail, loaded and unloaded. In terms of tonnes of shipments unloaded and loaded in the EU's sea ports in 2015, Antwerp ranked second amongst all EU Member States, with more than 190 million tonnes reported. Belgium also has strong links with other EU Member States, with the country's sea ports receiving 44 million tonnes of goods from the EU in 2015, accounting for 34.7% of the total EU share. In the same year, Belgium also shipped 37 million tonnes to the EU. These trade and transport opportunities are known to be used by illegal traders with both Brussels airport and Antwerp seaport used as a major transit point in the movement of illegal wildlife such as skins, ivory and sea horses, from Africa to Asian countries including China, South Korea and Viet Nam; see: L. MUSING, M. NORWISZ, J. KLODA and K. KECSE-NAGY, *Wildlife trade in Belgium with a focus on CITES-listed species*, TRAFFIC and WWF, 2018, 6.

³⁵ WWF, *La Belgique, plaque tournante européenne ?*, Note de position sur le commerce des espèces de faune et de flore sauvages, Octobre 2018, 1.

³⁶ Data provided by the Belgian authorities (Belgian CITES administration), July 2016 and June 2020.

³⁷ *Ibid.*

³⁸ WWF, *La Belgique, plaque tournante européenne ?*, Note de position sur le commerce des espèces de faune et de flore sauvages, *op.cit.*, 2 ; A. KNAPP and A. AFFRE, *Le commerce illégal et la vente d'espèces CITES en Belgique : ivoire d'éléphant et autres spécimens*. Un rapport de TRAFFIC Europe pour le SPF Santé publique, Sécurité de la Chaîne alimentaire et Environnement, Brussels, 2007, 6.

³⁹ EUROPEAN PARLIAMENT, European Parliament resolution of 2 March 2017 on EU Common Commercial Policy in the context of wildlife sustainability imperatives (2016/2054(INI)), *PB C 263*, 25/07/2018, 35, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2018:263:FULL&from=EN>, consulted 30/10/2023.

Investigations point to frequent illegal wildlife traffic in China. Zhou, a Wildlife Enforcement Officer, investigated 288 criminal cases of illegal wildlife trade in Yunnan Province between 2010 and 2013. Seventy-eight terrestrial animal species were involved, including ivory (33.83%).⁴⁰

There are several examples of seizures of illegal ivory trade in China. For example, in April 2013, Customs in Hong Kong seized 113 pieces (300 kg) of ivory from an air cargo shipment. Through risk assessment, Customs officials selected for examination a shipment declared as containing ‘spare parts’ from Burundi to Singapore. X-rays confirmed their suspicions. Instead of spare parts, the shipment contained ivory.⁴¹

In July 2017, the newspaper La Tribune announced a seizure of 7.2 tonnes of ivory in Hong Kong:⁴² Hong Kong customs authorities announced the seizure of 7.2 tonnes of ivory hidden under a shipment of frozen fish in a container from Malaysia and the arrest of two people. In value, the ‘merchandise’ was worth \$9 million on the black market, making it the largest seizure in three decades.⁴³ According to La Tribune, although the origin of the shipment has not been disclosed, but most of the ivory circulating in Asia, and particularly in China, remains African. In countries such as Malaysia and India, the laws protecting these animal species are more effectively enforced, despite some abuses. At the same time, on the illegal African market, which remains relatively less risky than its Asian counterpart, a kilo of raw ivory is traded for around 200 euros.⁴⁴

On 19 April 2019, France Info relayed on its website the information on the seizure by the Chinese authorities of 2,750 elephant tusks, i.e. approximately 7.5 tonnes of ivory.⁴⁵ The tusks were shipped from Africa. After transiting through various countries, they were then smuggled into China, hidden in loads of wood.⁴⁶

Given the scale of this illegal wildlife trade worldwide, particularly from Africa to China via the EU, states must make several efforts both in terms of their legal frameworks and prosecutions to curb this crime.

3. National efforts to combat trafficking from Africa to China through the EU

The issue of regulating international trade in endangered species of fauna and flora is a matter for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).⁴⁷ CITES

⁴⁰ Z.M. ZHOU, Y. ZHOU, C. NEWMAN at al., Scaling up pangolin protection in China, *Frontiers in Ecology and the Environment*, 2014, 12: 97-98, cited by ZHOU, Z.M., at al., Private possession drives illegal wildlife trade in China, *Frontiers in Ecology and the Environment*, 2015, 13: 353-354, 354.

⁴¹ WCO, *Illicit Trade Report 2013*, 50, available at: https://www.wcoomd.org/-/media/wco/public/global/pdf/topics/enforcement-and-compliance/activities-and-programmes/illicit-trade-report/itr_2013_en.pdf?la=en, consulted 30/10/2023.

⁴² LA TRIBUNE AFRIQUE, *Trafic d'ivoire : à Hong Kong, la plus grosse saisie depuis 30 ans !*, 07/07/2017, available at: <https://afrique.latribune.fr/politique/politique-publique/2017-07-07/trafic-d-ivoire-a-hong-kong-la-plus-grosse-saisie-depuis-30-ans-743218.html>, consulted 30/10/2023.

⁴³ ⁴³ LA TRIBUNE AFRIQUE, *Trafic d'ivoire : à Hong Kong, la plus grosse saisie depuis 30 ans !*, 07/07/2017, available at: <https://afrique.latribune.fr/politique/politique-publique/2017-07-07/trafic-d-ivoire-a-hong-kong-la-plus-grosse-saisie-depuis-30-ans-743218.html>, consulted 30/10/2023.

⁴⁴ *Ibid.*

⁴⁵ FRANCE INFO, *Chine: la saisie de 2 750 défenses d'éléphant permet le démantèlement d'un gang international*, 19/04/2019, available at: https://www.francetvinfo.fr/monde/chine/ivoire-une-saisie-de-2750-defenses-d-elephant-en-chine-permet-le-demantelement-d-un-gang-international_3404109.html, consulted 30/10/2023.

⁴⁶ *Ibid.*

⁴⁷ Signed on March 3, 1973 and entered into force on July 1, 1975.

recommends that States take appropriate measures to prohibit and punish any trade that violates the Convention (article VIII of the Convention).

The Convention provides a legal framework for the prevention of trade in endangered species and the effective regulation of trade in other species. It assigns to producer and consumer countries their share of the common responsibility and provides them with the means necessary to implement the international cooperation required to assume this responsibility.⁴⁸

CITES has a relatively simple operating system. It is based entirely on three appendices in which species are listed according to the degree of threat to their survival. This classification determines whether trade in a particular animal or plant species is permitted or prohibited.⁴⁹ The appendix in which a taxon is listed determines the level of protection, the regulation and the nature of the authorised trade. In addition, it established a control mechanism based on permits and certificates (Article VI) to ensure the regulation of this trade at the international level.

CITES is the most important instrument for controlling illegal trade in wildlife species at the international level, as it is the only treaty that requires Parties to penalise certain aspects of illegal trade in protected species.⁵⁰ It also allows countries bound by the Convention to confiscate illegally traded specimens of wild flora or animals. CITES is, in fact, the only international treaty to set out specific violations regarding illegal activities in the wildlife and forestry sector.⁵¹

Illegal wildlife trade under CITES means, for species listed in Appendix I, the trade of wild-collected specimens for commercial purposes, and for species listed in Appendices I, II and III, the absence of the required permits or certificates prior to any trade.⁵² With respect to illegal trade, in accordance with Resolution Conf. 11.17 (Rev. CoP17), all Parties are required to submit an annual report on illegal trade, accounting for all seizures of CITES-listed species, whether the seizure was made at an international border or in-country, for example during a search of private or commercial premises, or during an inspection of local markets. The annual report on illegal trade is mandatory, but is not subject to compliance procedures.⁵³

Article VIII of CITES requires all Parties to take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation of those provisions, including measures

⁴⁸ W. WIJNSTEKERS, *L'évolution de la CITES*, 9^e édition, International Council for Game and Wildlife Conservation, Hungary, 2011, 29.

⁴⁹ T. DELEUIL, La CITES et la protection internationale de la biodiversité, *Revue juridique de l'environnement*, 2011/5, special issue, 45-62, 46.

⁵⁰ UNODC, *Compilation d'outils pour l'analyse de la criminalité liée aux espèces sauvages et aux forêts*, office de nations unies, office des nations unies contre la drogue et le crime, New York, United Nations, Décembre 2012, 17.

⁵¹ Ibid. It should also be noted that CITES, through its secretariat, is a member of ICCWC alongside Interpol, UNODC, WCO and WB. The ICCWC seeks to support the fight against this type of crime, in particular through several large-scale actions (THUNDER 2020, THUNDERBALL 2019, PRAESIDIO 2019, THUNDERSTORM 2018, THUNDERBIRD 2017, COBRA III 2015, COBRA II 2014, INFRA TERRA 2014 et PAWS 2014). To date, these have resulted in more than 1,632 arrests and the seizure of more than 13,695 kg (13.695 tonnes) of elephant ivory and 780 whole tusks, 70 whole horns and 43 kg of cut rhinoceros horns, more than 783 live pangolins and 14,046 kg (14.046 tonnes) of pangolin scales and organs. See: C. MASHINI MWATHA, *La CITES et la lutte contre la criminalité liée aux espèces sauvages. Évaluation de l'effectivité et de l'efficacité de la CITES et de sa mise en œuvre en Belgique et en RDC*, op. cit., 237.

⁵² CITES, Press release. Elephant poaching and ivory smuggling figures released today. Poaching levels remain alarmingly high at over 20,000. More large ivory seizures in Africa than Asia for the first time, Geneva, 13/06/2014, available at:

http://www.cites.org/fra/elephant_poaching_and_ivory_smuggling_figures_for_2013_released, consulted 30/10/2023.

⁵³ CITES, *Annual Illegal trade report*, available at:

https://cites.org/eng/resources/reports/Annual_Illegal_trade_report, consulted 30/10/2023.

to penalise trade in or possession of such specimens, and to provide for the confiscation or return of such specimens to the country of export.⁵⁴ This provision also gave rise to Resolution Conf. 8.4⁵⁵ on national laws to implement the Convention.

The implementation of CITES therefore requires implementing legislation at the national level. These should ensure compliance with the conditions for international trade set out in Articles III to VII of the Convention, but also prohibit trade in specimens in violation of the provisions of the Convention, penalise any violation and allow for the seizure of specimens traded and/or possessed in violation of the Convention (Article VIII).⁵⁶

CITES itself distinguishes three categories of States according to whether their legislation fully, partially or not at all meets the implementation requirements of the Convention. Looking at the CITES statistics on this categorisation, one realises that there is still a long way to go. Indeed, less than 50%, or exactly 48.3%⁵⁷ of the national legislations have been assessed to be in compliance with the Convention. Among the countries assessed⁵⁸ are Belgium (transit country, EU), China (importing country, Asia) and the DRC (exporting country, Africa), all of which belong to Category 1 (legislation that is believed generally to meet the requirements for implementation of CITES).⁵⁹

The efforts of states, specifically DRC (3.1), Belgium (3.2.) and China (3.3), can be seen in both the legal frameworks and the prosecution of traffickers in illegal wildlife trade.

3.1. The DRC

The DRC is a party to the CITES Convention, to which it acceded on 20 July 1976 and which entered into force on 18 October 1976.⁶⁰ The efforts made by the DRC are mainly at the level of its legal and regulatory framework as well as the legal proceedings initiated.

3.1.1. Congolese CITES legal and regulatory framework

The DRC's legal framework for the implementation of CITES includes Law n°14/003 of 11 February 2014 on nature conservation; Order n°056 CAB/MIN/AFF-ECNT/F/01/00 of 28 March 2000 regulating international trade in endangered species of fauna and flora (CITES); Ministerial Order n°020/CAB/MIN/ECN-EF/2006 of 20 May 2006 approving the list of protected animal species DRC; Ministerial Order n° 021/CAB/MIN/EDD/AAN/WF/05/2017 of 31 August 2017 transferring the CITES management body to the Institut Congolais pour le Conservation de la Nature; and the

⁵⁴ C. MASHINI MWATHA et N. SHABANI AZIZA, *La protection de la faune sauvage en droit international : contribution de la CITES à la protection de l'éléphant d'Afrique*, Sarrebruck, Editions Universitaires Européennes (EUE), 2015, 50.

⁵⁵ CITES, *National laws for implementing the Convention*, available at: <https://cites.org/eng/legislation>, consulted 30/10/2023.

⁵⁶ C. MASHINI MWATHA et N. SHABANI AZIZA, *La protection de la faune sauvage en droit international : contribution de la CITES à la protection de l'éléphant d'Afrique*, *op. cit.*, 51.

⁵⁷ CITES, *National laws for implementing the Convention*, available at: <https://cites.org/eng/legislation>, consulted 30/10/2023.

⁵⁸ See the full list at: <http://cites.org/sites/default/files/eng/prog/Legislation/CITES-NLP-Cat1.pdf>, consulted 30/10/2023.

⁵⁹ C. MASHINI MWATHA et N. SHABANI AZIZA, *La protection de la faune sauvage en droit international : contribution de la CITES à la protection de l'éléphant d'Afrique*, *op. cit.*, 52.

⁶⁰ CITES, *List of Contracting Parties*, available at: <https://cites.org/eng/disc/parties/chronolo.php>, consulted 30/10/2023.

memorandum of understanding on administrative collaboration against trade in CITES species of 19 August 2002.^{61 62}

This legal and regulatory framework establishes, among other things, the authorities responsible for implementing CITES as well as the incriminations and sanctions for violations against CITES legislation. The DRC, on the basis of Articles 79 and 80 of Law n°14/003 on nature conservation of 11 February 2014, sanctions species trafficking with penalties ranging from 6 months to 10 years of penal servitude and/or a fine ranging from 25 million to 100 million Congolese francs, i.e. between €9,546.72 and €38,186.88.⁶³

3.1.2. Prosecutions in the DRC

About prosecutions for illegal wildlife trade cases, the two reports on illegal trade produced by the DRC (2018 and 2019) show around 50 cases, i.e. 16 cases⁶⁴ for 2018 and 34 cases⁶⁵ for 2019. Of the 16 cases in 2018, 2 cases involved ivory with 11kg. Of the 34 cases in 2019, 11 cases concerned ivory, with a total of 326.4 kg. Thus, over two years, there are a total of 13 cases for ivory out of the 50, i.e. 26% of the illegal trade, representing a total of 237.4 kg. Of these cases, 8 traffickers were Congolese, 1 Chinese, 1 Ugandan and 1 Zambian. Regarding the destination, the destination of 10 cases was not specified, while it was once for China, once for Zambia and twice for Uganda. In total, over the period from 2010 to 2020, 3,967 cases were recorded in the DRC, of which 1,464 were brought before a judge (i.e. 36.9%), resulting in 33 convictions (i.e. 0.83%).⁶⁶

Among these cases, some highlight trade with China from the DRC via Belgium in particular. For example, the case of illegal possession of elephant tusks and smuggling under RP 11.555 – Z.D. v M.P and PC (Tribunal de paix de Kinshasa/Kinkole, 29 April 2014). On 22 April 2014, the defendant Z.D. was apprehended at N'djili International Airport in Kinshasa with 50 kg of elephant tusks in his luggage while he was proceeding with the boarding formalities of a scheduled flight of the Ethiopian Airways company to China via Addis Ababa. After this observation, DRC customs officers based at N'djili international airport made a precautionary seizure and drew up an official report. A flagrance procedure was initiated against Z.D.⁶⁷ The judge established the offences of illegal possession of elephant tusks and smuggling. He said that these offences were in accordance with article 20, paragraph 2 of the Congolese Penal Code, Book 1. Thus, after having pronounced a sentence for each of these two offences, he added them together to pronounce his final sentence. This corresponds to a maximum of five years' principal penal servitude⁶⁸ as provided for in Article 85 of the 1982 Hunting

⁶¹ Other relevant laws include Law Nr. 011/2002 of 29 August 2002 on the Forestry Code, Law Nr. 11/009 of 09 July 2011 on the fundamental principles of the environment relating to the protection of the environment with regard to wildlife and biodiversity, Law Nr. 82-002 of 28 May 1982 on hunting regulations.

⁶² Complementary laws that facilitate the implementation of CITES, in particular by strengthening the system for punishing offences relating to wildlife crime, include: the Decree of 30 January 1940 establishing the Congolese Criminal Code, as amended and supplemented to date, and Act Nr. 04/016 of 19 July 2004 on combating money laundering and the financing of terrorism.

⁶³ At a rate of €1 = 2,618.7 CDF, see the Mataf converter, available at: <https://www.mataf.net/fr/conversion/monnaie-EUR-CDF?m1=1.00>, consulted 30/10/2023.

⁶⁴ ICCN, *Rapport annuel CITES-RDC sur le commerce illicite 2018*.

⁶⁵ ICCN, *Rapport annuel CITES-RDC sur le commerce illicite 2019*.

⁶⁶ Cumulative figures for available and accessible data. The difficulty of archiving and accessing data in the DRC has already been noted. See: C. MASHINI MWATHA, *La CITES et la lutte contre la criminalité liée aux espèces sauvages. Évaluation de l'effectivité et de l'efficacité de la CITES et de sa mise en œuvre en Belgique et en RDC*, op. cit., 2021, 280. ⁶⁷ *Ibid.*, 145.

⁶⁸ It should be noted that, on this basis, the judge had sentenced the defendant to 4 years' imprisonment, which he added to the 1-year sentence for the smuggling offence. This makes a total of 5 years.

Act. A fine was imposed⁶⁹ of CDF 55,700,000 and damages of CDF 75,000,000, i.e. a total of CDF 130,700,000⁷⁰, equivalent to nearly € 49,910.26.⁷¹ In addition, the judge ordered the return of elephant tusks to ICCN.⁷²

3.2. Belgium

The CITES Convention was approved in Belgium by Law of 28 July 1981, ratified on 3 October 1983 and entered into force on 1 January 1984.⁷³ The efforts made by Belgium are mainly in terms of its legal and regulatory framework and the legal proceedings initiated.

3.2.1. Belgian CITES legal and regulatory framework

Belgium is a member of the EU⁷⁴ and therefore applies all the European regulations, as EU regulations are directly applicable in the different Member States.⁷⁵

The EU has an extensive regulatory framework to combat illegal wildlife trade. Indeed, for the EU, given the establishment of the single market and the absence of systematic border controls within the EU, the provisions of CITES had to be applied uniformly across the EU Member States.⁷⁶ This harmonised application of CITES has been carried out in the EU since 1997 through Regulation (EC) No 338/97⁷⁷ and Regulation (EC) No 865/2006.⁷⁸

⁶⁹ To arrive at this amount, the court used a simple technique. On the basis of the price of ivory per kilo in China as provided by the expert required, i.e. \$600/Kg, the court multiplied the \$600 by the 50Kg by 2 which corresponds to twice the value of the seizure to reach \$60,000, which corresponds to CDF 55,200,000, i.e. the fine rate for this first offence. Subsequently, as the offences were concurrent, he also added the CDF 500,000 fine for the second smuggling offence to arrive at the final fine of CDF 55,700,000.

⁷⁰ The rate for the US dollar can be found on the tenth page of this judgment (April 2014), i.e. \$1 USD = 920 FC. The fine of CDF 55,700,000 is therefore equivalent to USD60,543.47.

⁷¹ At a rate of €1 = CDF 2,618.7 (October 2023), see the Mataf converter, available at:

<https://www.mataf.net/fr/conversion/monnaie-EUR-CDF?m1=1.00>, consulted 30/10/2023.

⁷² C. MASHINI MWATHA, *La CITES et la lutte contre la criminalité liée aux espèces sauvages. Évaluation de l'effectivité et de l'efficacité de la CITES et de sa mise en œuvre en Belgique et en RDC*, op. cit., 2021, 147.

⁷³ L. LAVRYSEN, Un accord de coopération : le moyen d'appliquer et de faire respecter, effectivement et de manière intégrée, la réglementation CITES ? In C.-H. BORN & F. JONGEN (Eds.), *D'urbanisme et d'environnement : liber Amicorum Francis Haumont*, Bruxelles, Bruylant, 2015, (pp. 653–673), 653.

⁷⁴ In February 2016, the EU adopted a "European Union Action Plan against Wildlife Trafficking", which was revised on 9 November 2022: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Revision of the EU action plan against wildlife trafficking, 09/11/2022, COM(2022) 581 final; available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A581%3AFIN&qid=1667989438184>, consulted 30/10/2023.

⁷⁵ A. KNAPP and A. AFFRE, *Le commerce illégal et la vente d'espèces CITES en Belgique : ivoire d'éléphant et autres spécimens*, op. cit., 12.

⁷⁶ Ibid.

⁷⁷ Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, *OJ L* 61, 03/03/1997.

⁷⁸ Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, *OJ L* 166, 19/06/2006.

The most important regulation is Council Regulation 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.⁷⁹ According to its Article 1, this Regulation shall apply in compliance with the objectives, principles and provisions of CITES. All species listed under CITES, as well as other species that the Community protects on its territory or whose flows it wishes to control, are listed in four annexes A, B, C and D. The Regulation, and its Annexes with listed species have been amended several times.⁸⁰

The Regulation deals with two issues: first, under this Regulation, common conditions for EU Member States apply to the issue, use and presentation of documents for the import, export or re-export of specimens of species covered by this Regulation. Such documents shall be valid throughout the EU, without prejudice to stricter measures which may be taken by Member States. Secondly, the Regulation deals with the sale and any other commercial transaction within the EU of specimens of species listed in Annex A. Thus, the EU provisions regulate not only the trade in wild species at the international level but also within the EU and include additional provisions compared to CITES. Import permits are thus required not only for the import of specimens of species listed in Annex A of Regulation (EC) No 338/97 (which corresponds approximately to Annex I of CITES) but also for the import of specimens of species listed in Annex B (which corresponds approximately to Annex II of CITES) of the same Regulation.⁸¹

Regulation (EC) No 865/2006 of 4 May 2006 lays down detailed rules for the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein. In particular, it lays down detailed conditions and criteria for the consideration of applications for permits and certificates and for the issue, validity and use of such documents. It also lays down detailed provisions on the conditions and criteria for the treatment of captive born and bred specimens of animal species and artificially propagated specimens of plant species, to ensure the common application of the exemptions applicable to such specimens.

Belgium's normative framework⁸² for the implementation of CITES includes in particular the law of 28 July 1981 approving the Convention on International Trade in Endangered Species of Wild Fauna and Flora⁸³; the Royal Decree of 9 April 2003 on the protection of species of wild fauna and flora by controlling their trade⁸⁴; the law of 12 July 1973 on nature conservation⁸⁵; and the federal law of 20 January 1999 on the protection of the marine environment.⁸⁶

This legal and regulatory framework establishes, inter alia, the authorities responsible for the implementation of CITES as well as the incriminations and sanctions for violations of CITES legislation. According to Article 5 of the law of 28 July 1981, the penalties are imprisonment of six months to five years, a fine of 208 to 400,000 euros⁸⁷ or both.

⁷⁹ Modified several times, see:

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31997R0338>, consulted 30/10/2023.

⁸⁰ A consolidated version can be found at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01997R0338-20230520>, consulted 30/10/2023.

⁸¹ A. KNAPP and A. AFFRE, *Le commerce illégal et la vente d'espèces CITES en Belgique: ivoire d'éléphant et autres spécimens*, *op. cit.*, 12.

⁸² These include the Belgian Penal Code of 8 June 1867 as supplemented and amended to date (Belgian Official Journal, 09/6/1867), the Law of 18 September 2017 on the prevention of money laundering and terrorist financing and on limiting the use of cash (, 06/10/2017), etc.

⁸³ Belgian Official Journal, 30/12/1983.

⁸⁴ Belgian Official Journal, 06/06/2003.

⁸⁵ Belgian Official Journal, 11/09/1973.

⁸⁶ Belgian Official Journal, 12/03/1999.

⁸⁷ Amounts increased by 8 in accordance with the Program Act of 25 December 2016 amending the Act of 5 March 1952 on additional levies on criminal fines.

It should be noted that these penalties are not uniform across the EU. In France, for example, since the adoption of Law No. 2016-1087 of 8 August 2016 for the recovery of biodiversity, nature and landscapes, the penalty for the absence of permits or certificates required by CITES regulations has been increased to 2 years' imprisonment and a fine of 150,000 euros.⁸⁸ In the case of offences committed in an organised gang, the penalty has been increased to 7 years' imprisonment and a fine of 750,000 euros in the case of an organised offence.^{89 90}

3.2.2. *Legal proceedings in Belgium*

The application of these various legal and regulatory texts gives rise to legal proceedings. From 2015 to 2019, Belgium recorded 1,174 CITES-related cases, 592 from 2015 to 2017⁹¹ and 582 from 2018 to 2019.⁹² These cases were sent to the correctional prosecution offices.

Some of these cases highlight trade with China via Belgium. An example is the case of illegal trade in dried seahorses and ivory between Sierra Leone and Beijing (Brussels Dutch-speaking correctional court, 8 June 2017). On 20 April 2017, Belgian customs at Zaventem airport, following a routine baggage check in transit from Africa (Freetown, Sierra Leone, flight SN241) to Beijing (China, flight HU492), found a quantity of dried sea horses. The arrested persons, of Chinese nationality, were not in possession of a CITES permit to transport or import specimens of protected animal species.⁹³ They had a total of 11,440 kg of dried seahorses (more than 2,000 specimens) and 2 pieces of ivory (a bracelet and a dragon figurine, weighing 76 grams) in their luggage. The suspects also had USD 2,950 and USD 3,400, but only very few clothes.⁹⁴ On 8 June 2017, the correctional court of Brussels imposed a prison sentence of 15 months on each of the three defendants, half of which was suspended for three years. In addition, the confiscation of all seahorses seized was ordered to be destroyed. Finally, a special confiscation (confiscation of illegal assets) was imposed on two of the three convicted defendants, from whom money was found, in accordance with Articles 42, 3° and 43bis of the Criminal Code.⁹⁵

3.3. The People's Republic of China

⁸⁸ Article L.415-3, French environmental code.

⁸⁹ Article L.415-6, French environmental code.

⁹⁰ MINISTÈRE DE LA TRANSITION ÉCOLOGIQUE, *Commerce international des espèces sauvages (CITES)*, August 2019, available at: <https://www.ecologie.gouv.fr/commerce-international-des-especes-sauvages-cites#:~:text=de%20la%20CITES-.L%27objectif%20de%20la%20CITES%20est%20de%20garantir%20que%20le,utilisation%20durable%20des%20esp%C3%A8ces%20sauvages>, consulted 30/09/2023.

⁹¹ BELGIAN SENAT, *CITES - Commerce d'espèces animales et végétales protégées*, Question écrite n° 6-1924 de Jean-Jacques De Gucht (Open VLD) au ministre de la Justice, Session 2017-2018, 3 juillet 2018, available at: <https://www.senate.be/www/?Mival=/Vragen/SVPrint&LEG=6&NR=1924&LANG=fr>, consulted 30/06/2020.

⁹² F. BOUQUELLE et L. LAVRYSEN, EU Action Plan against Wildlife Trafficking – Recent Belgian Criminal Cases, in *Journal for European Environmental & Planning Law*, 17 (2020), 161–188, 177-178.

⁹³ The Public Prosecutor argued that there had been a breach of Articles 4 and 7.2 of Council Regulation 338/1997 of 9 December 1996 on the protection of wild fauna and flora by regulating the relevant trade, and of Articles 3 and 4 of CITES and its appendices, sanctioned by Article 5 of the Law of 28 July 1981 approving the Convention on International Trade in Endangered Species of Fauna, for having imported specimens listed in Appendices I and II of CITES without the necessary permits.

⁹⁴ Nederlandse rechtbank, Brussel 8 juni 2017, *TMR 2017/5*, 542.

⁹⁵ Billiet, C., Sierra Leone – Beijing met gedroogde zeepaardjes: vijftien maanden cel (noot), *TMR 2017/5*, 546-555, 14.

China has been a Party to CITES by accession since 8 January 1981, and the Convention entered into force in China on 8 April 1981. The efforts made by China are notably at the level of its legal and regulatory framework as well as the legal proceedings initiated.

3.3.1. Chinese CITES legal and regulatory framework

The Constitution of the People's Republic of China⁹⁶(中华人民共和国宪法) contains several articles that can be linked to environmental issues. Article 9 requires the State to make 'rational use of natural resources', and to protect 'rare animal and plant species'.⁹⁷

The Law of Wild Animal Protection was approved by the National People's Congress in November 1988 and implemented on 1 March 1989. It focuses on the protection of endangered animals and defines the means for their preservation. Clause 16 prohibits the hunting and killing of wild animals protected by the State. In clause 7, the state also encourages the breeding of wild animals⁹⁸.

China has been an important destination country for illegal wildlife trade. In recent years, progress has been made to tackle the illegal trade to China. China had enacted a total ban on ivory trade, which came into effect on 1 January 2018, when China was the largest destination market for smuggled tusks.⁹⁹

3.3.2. Prosecutions in China

Legal proceedings are also being taken in China against individuals involved in wildlife crimes. For example, the following two cases can be noted.

On 29 December 2020, the Guangzhou Intermediate People's Court handed down some of the heaviest sentences ever against wildlife traffickers in China. 17 people were prosecuted in what has been described as the largest ivory smuggling case in the country's history. Two of them, Chen Chengzong and Lin Zhiyong, were sentenced to life imprisonment, the maximum possible sentence for smuggling parts of protected species.¹⁰⁰ The following week, on 5 January 2021, another court, this time in the eastern city of Wenzhou, handed down sentences ranging from 15 months to 14 years in prison against another group that had organised the trafficking of 23 tonnes of pangolin scales from West Africa between 2018 and 2019. The potential value of these shipments was more than \$20 million, highlighting the huge profits from poaching and trafficking of some of the world's rarest and most vulnerable species.¹⁰¹

As can be seen from the sentences in the two cases above, the penalties handed down by Chinese courts can be very severe and deterrent.

⁹⁶ Constitution of the People's Republic of China, adopted on 04/12/1982 (revised several times).

⁹⁷ AMBASSADE DE FRANCE EN CHINE (SERVICE JURIDIQUE), *Note sur le Droit de l'environnement en République Populaire de Chine (Juin 2017)*, 5, available at: <https://www.juscoop.org/wp-content/uploads/2017/10/Note-sur-le-Droit-de-l-environnement-en-Re%CC%81publique-Populaire-de-Chine-Juin-2017.pdf>, consulted 29/01/2019.

⁹⁸ G. GIROIR, (2012), Les parcs nationaux en Chine : une approche géohistorique, in *Revue d'études comparatives Est-Ouest*, 43(1), 253-285. doi:10.4074/S0338059912001106, 266.

⁹⁹ D. MALOVIC, *La Chine interdit totalement le commerce de l'ivoire*, La Croix, 01/01/2018, available at: <https://www.la-croix.com/Monde/Asie-et-Oceanie/Chine-interdit-totalement-commerce-livoire-2018-01-01-1200902935>, consulted 30/10/2023.

¹⁰⁰ IFAW, *Politique zéro tolérance contre le trafic d'espèces sauvages en Chine*, 27/01/2021, available at: <https://www.ifaw.org/fr/news/politique-zero-tolerance-contre-traffic-especes-sauvages-chine>, consulted 30/10/2023.

¹⁰¹ *Ibid.*

4. Conclusion

The illegal trade in wildlife species between Africa and China, through the EU, has reached such a scale that strong and well-coordinated initiatives were required from the various actors. Indeed, numerous measures to combat wildlife trafficking have been adopted under the CITES Convention. Major destination countries, such as China, are showing increased commitment in terms of intensifying efforts to combat infringements and are willing to cooperate more closely with the EU in this area. The African Union is implementing a continent-wide strategy¹⁰², and the EU has adopted an Action Plan against Wildlife Trafficking. In addition, national legislation in countries such as the DRC, Belgium and China also includes provisions to combat illegal wildlife trade.

However, joint efforts are still needed, as the offenders of illegal wildlife trade are developing other strategies to obtain the profits from such trade. Thus, despite some encouraging signs (notably a decrease in elephant and rhino poaching levels in recent years), wildlife trafficking continues to thrive and poses a serious threat to biodiversity and international security. Therefore, the international community in general and the countries involved in the China-Africa trade in particular need to step up their efforts.

Additional efforts include reducing poaching, by strengthening on-the-ground protection, conservation and responsible management of wildlife; reducing illegal trade by strengthening border controls, providing more financial resources to control structures (customs, police, etc.); strengthening the repressive regime for wildlife offences (following the example of some countries such as the DRC where the penalty rate is up to 10 years in prison); and reduce demand, by engaging in a frank dialogue with consumer countries such as China, by encouraging consumers to change their behaviour.

Actions to combat illegal wildlife trade must also involve non-state actors such as local communities, the private sector and civil society to a greater extent. States should strengthen their legislation as well as take concrete actions on their territory. Multiplying local actions will facilitate the implementation of global action, which will be all the more effective.¹⁰³ International cooperation between the various Parties, mainly between China, African countries and the EU, is essential to combat the illegal trade in wildlife species.

¹⁰² EUROPEAN COMMISSION, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Action Plan against Wildlife Trafficking*, *op. cit.*, 8.

¹⁰³ T. BERNARD, La lutte contre le commerce illégal d'espèces sauvages, *Criminologie*, 2016, 49(2), 71–93, <https://doi.org/10.7202/1038417ar>, 90.