



Wildlife Justice
Commission

EXECUTIVE SUMMARY

Is wildlife trafficking being treated as serious crime?

A review of criminal offences,
penalties, and implementation of the
United Nations Convention against
Transnational Organized Crime

Discussion Paper, September 2025



About the Wildlife Justice Commission

The Wildlife Justice Commission (WJC) is a civil society organisation that supports and collaborates with law enforcement agencies to investigate and prosecute serious and organised wildlife crimes. Focusing on the most endangered species and prolific offenders, our mission is to disrupt and dismantle the transnational criminal networks trafficking wildlife, timber, and fish by collecting evidence and turning it into accountability so that organised crime is not driving species to extinction. Our investigation approach is modelled on recognised law enforcement methodologies to combat organised crime, using a combination of undercover operatives, covert surveillance, and networks of trusted informants to collect intelligence and evidence across the supply chain. Our unique on-the-ground insights and findings from our investigations can help inform policymaking and law enforcement at the multilateral level to close legal and implementation gaps.

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The logo for the Brook Foundation, featuring the word "BROOK" in green with a stylized "O" and "FOUNDATION" in green.The logo for Ropes & Gray, featuring the words "ROPES & GRAY" in blue.The logo for the International Lawyers Project, featuring a stylized "I" and "P" in blue and red, followed by the text "International Lawyers Project" in black.

Executive Summary

The United Nations Convention against Transnational Organized Crime (UNTOC) was adopted in 2000 in response to the growing global threat of organised crime. It provided a new legal framework for international cooperation to combat transnational criminal activities, including measures against money laundering and corruption, confiscation of criminal proceeds, mutual legal assistance, joint investigations, and the use of special investigative techniques. The United Nations General Assembly resolution adopting the UNTOC envisaged that it would be an effective tool to address various forms of transnational organised crime, including wildlife trafficking¹ – recognised today at the multilateral level as a “crime that affects the environment”. However, the effectiveness of the UNTOC in this regard depends on State Parties incorporating its provisions into their domestic legal frameworks and undertaking strong and targeted enforcement actions to prevent and deter organised criminal activity.

In 2001, wildlife trafficking was one of the first crimes that affect the environment to be specifically recognised in the international policy framework.² Over the ensuing two decades, wildlife trafficking has evolved and increasingly grown as a major global threat, generating billions of dollars annually,³ affecting thousands of species and virtually every country,⁴ facilitated by corruption across global supply chains,⁵ and increasingly converging with other forms of serious organised crime, such as human and drug trafficking.⁶ Although wildlife trafficking is esti-

mated to be the fourth-largest form of transnational organised crime after drug trafficking, counterfeit crimes, and human trafficking,⁷ it is not consistently treated as such. For organised criminal networks, trafficking in endangered species in many jurisdictions remains a highly profitable enterprise with low risks of detection or serious punishment.

The impacts of wildlife trafficking are broad. These crimes not only decimate ecosystems and biodiversity but also contribute to climate change,⁸ undermine governance and the rule of law,⁹ jeopardise livelihoods, and heighten public health risks, including the likelihood of zoonotic disease transmission from illegal wildlife trade.¹⁰ The ecological and social harms persist across generations, directly hampering the achievement of the 2030 Agenda for Sustainable Development.¹¹ Unlike other illicit commodities, the environment has finite limits: once a species is extinct or an ecosystem destroyed, there is no reversal. Prioritising the prevention and disruption of wildlife trafficking is therefore essential for protecting people, the planet, and future generations.

To effectively address the most serious forms of wildlife trafficking and other crimes that affect the environment, the UNTOC must be applied across global illegal supply chains. While momentum is growing at the multilateral level, significant knowledge gaps remain regarding how far the Convention has been incorporated into national legislation and implemented in practice.

¹ United Nations General Assembly (UNGA) Resolution 55/25 on *United Nations Convention against Transnational Organized Crime*, PP 10.

² United Nations Economic and Social Council (ECOSOC) Resolution 2001/12 on *Illicit trafficking in protected species of wild flora and fauna*.

³ Nelleman, H. et al (Eds) (2016), *The Rise of Environmental Crime: A Growing Threat to Natural Resources, Peace, Development and Security*, United Nations Environment Programme (UNEP), p.20.

⁴ United Nations Office on Drugs and Crime (UNODC) (2016), *World Wildlife Crime Report*, p.13.

⁵ Wildlife Justice Commission (WJC) (2023), *Dirty Money: The Role of Corruption in Enabling Wildlife Crime*.

⁶ WJC (2023), *Convergence of wildlife crime with other forms of organised crime: A 2023 review*, p.7.

⁷ United Nations Environment Program (UNEP) and International Criminal Police Organization (INTERPOL) (2016), *The rise of environmental crime – A growing threat to natural resources, peace, development and security*, p.7.

⁸ UNODC and World Wildlife Fund (WWF) (2022), *Crimes that Affect the Environment and Climate Change*, pp.10-14.

⁹ UNEP (2018), *The State of Knowledge of Crimes that have Serious Impacts on the Environment*, p.VIII.

¹⁰ Ibid. p. 5.

¹¹ Ibid. p. 6.



This paper presents research conducted by the Wildlife Justice Commission (WJC) on how wildlife offences are criminalised and penalised in the domestic legislation of 19 of the most prominent jurisdictions along the global rhino horn supply chain,¹² and whether this legislation incorporates key UNTOC provisions.¹³ It also presents a selection of 10 rhino horn trafficking cases from open-source research and WJC investigations to provide some insight into how legislation has been implemented in practice and how UNTOC provisions are being applied to prevent and combat wildlife trafficking. The research focused on this supply chain as it is one of the most recognised and well documented wildlife trafficking supply chains, and is emblematic of serious, transnational wildlife crimes within the scope of the UNTOC. Many of the jurisdictions affected by rhino horn trafficking updated their legislation in the last 10-15 years in response to the rhino poaching crisis and attention it garnered. The information available therefore allows lessons to be drawn on best practices and challenges, which are relevant to not only the rhino horn supply chain but also the broader is-

sue of wildlife trafficking and crimes that affect the environment.

This discussion paper seeks to provide insight and perspectives on the extent to which wildlife trafficking is being treated as a form of serious crime. It aims to build on existing research to help narrow the knowledge gaps on how the UNTOC has been incorporated in domestic legislation and implemented in relation to wildlife trafficking. It is hoped that this paper will inform multilateral policy discussions on how to effectively prevent and combat serious forms of wildlife trafficking. In particular, a new intergovernmental process has recently commenced to review the application of the UNTOC to crimes that affect the environment, including wildlife trafficking.¹⁴ An open-ended intergovernmental expert group (IEG) has been established to take stock of current efforts to apply the UNTOC in this field, to identify any gaps in the international framework, and to consider possible responses, including the feasibility of any additional UNTOC protocol specifically addressing environmental crimes.¹⁵

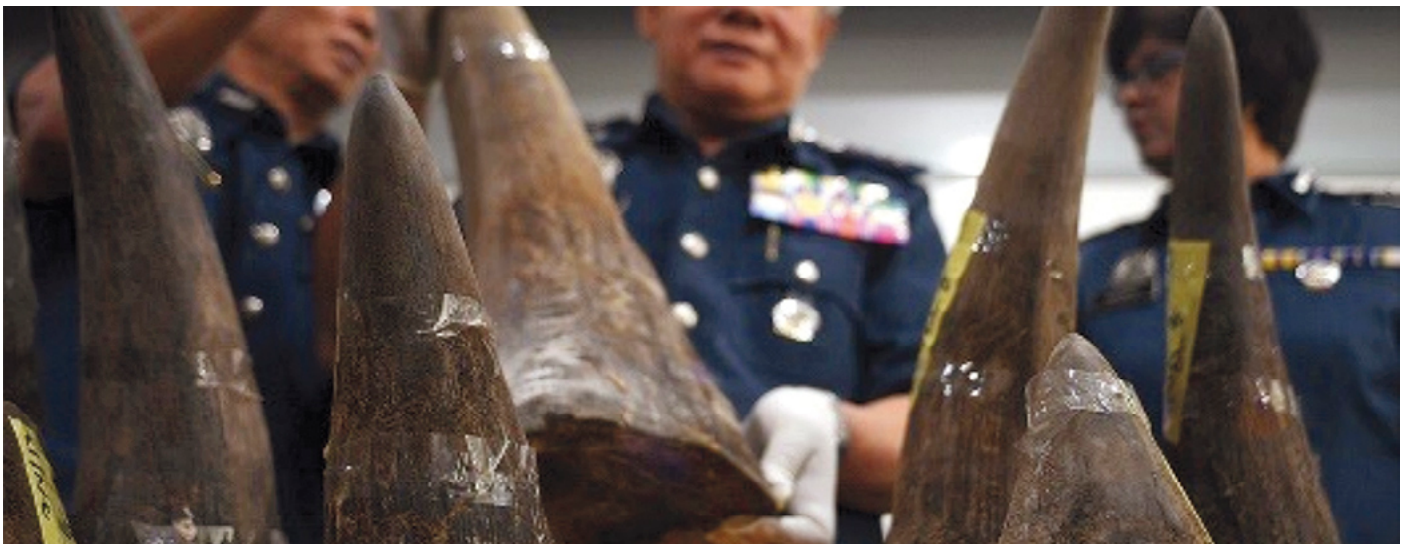


Image 1: Malaysian customs officers with a rhino horn seizure, March 2017. **Source:** FP Photo/Manan Vatsyayana, <https://theaseanpost.com/article/rhino-horn-seizure-thailand-leads-major-trafficking-syndicate>.

¹² WJC (2022), *Rhino horn trafficking as a form of transnational organised crime*, 2012-2021, p.63.

¹³ The UNTOC is not a self-executing treaty, requiring States to pass domestic legislation to give it legal effect and operationalise its provisions.

¹⁴ UNTOC Resolution 12/4 on *Enhancing measures to prevent and combat crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime*, OP 5.

¹⁵ Ibid.

Key findings

- **Criminalisation:** The research suggests a high level of harmonisation across the 19 jurisdictions in criminalising major wildlife offence categories and identified minor gaps for the criminalisation of captive breeding, processing, and attempts to commit an offence, which could be due to these activities receiving less recognition as areas for potential criminal conduct.

- **Penalisation:** Significant variation in the maximum terms of imprisonment (from 6 months up to life imprisonment) and fines across jurisdictions, with three jurisdictions failing to meet UNTOC's "serious crime" threshold (conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty). These jurisdictions therefore cannot use UNTOC as a legal basis for investigating and prosecuting transnational, organised wildlife crimes.

- **Incorporation of key UNTOC provisions in domestic law:** Almost half of the jurisdictions studied do not appear to explicitly authorise the use of special investigative techniques in their legislation, creating uncertainty and inconsistent application of these tools in wildlife trafficking cases. All of the 19 jurisdictions recognise wildlife offences as predicate offences for money laundering, with varied legislative approaches across the group.

- **Implementing the law:** Financial investigations and asset seizures appear underused in wildlife trafficking cases, pointing to a potential gap in law enforcement efforts. There are increasing examples of joint investigations at the national, bilateral and multilateral levels, but evidence on the ground suggests that there is still more to be done.

- **Sentencing:** Evidence from case law reveals disparities, with some lower-level actors such as poachers facing disproportionately harsh sanctions, while some high-level offenders have received comparatively low penalties (including fines substituting for custodial sentences), failing to reflect the seriousness of the crimes.

- **Deterrence:** Strong sentences alone are insufficient to deter crime. Empirical evidence consistently indicates that the certainty of being caught and punished exerts a stronger deterrent effect than the severity of the penalty itself. Consistent and well-targeted law enforcement efforts are therefore essential to strengthen this perception of certainty and enhance overall deterrence.

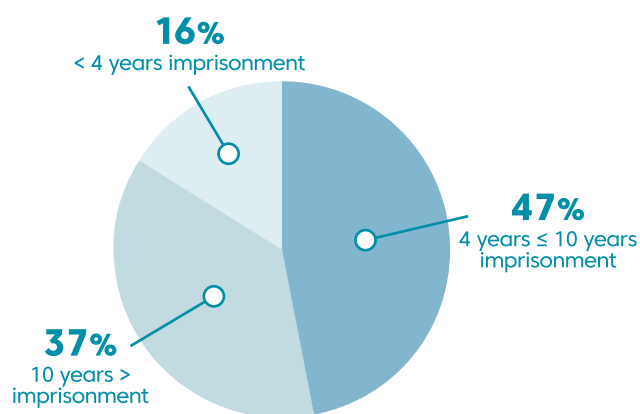


Figure 1: Comparison of maximum imprisonment terms for wildlife trafficking offences involving CITES Appendix I species across 19 jurisdictions in the rhino horn supply chain.

Conclusions and recommendations

This paper analyses the extent to which the UNTOC has been incorporated in domestic legislation and implemented in relation to wildlife trafficking among the 19 jurisdictions most involved in the rhino horn trafficking supply chain, to provide insight and perspectives on the extent to which wildlife trafficking is treated as a serious crime. While considerable progress has been made in criminalising wildlife offences, harmonising legislation across jurisdictions, and strengthening penalties, gaps remain in legislation, enforcement, sentencing, and capacity to address high-level traffickers and organised networks operating across borders. Much of the progress observed may be attributable to the heightened attention to this supply chain following the rhino poaching crisis leading to many of the most-affected jurisdictions updating their legislation in recent years. The information available therefore provides valuable lessons on best practices and challenges, which are relevant not only to the rhino horn supply chain but also to the wider fight against wildlife trafficking and other environmental crimes.

The analysis underscores that effective responses require not only strong legislation aligned with the UNTOC framework but also consistent and coordinated implementation. However, the limited jurisprudence available in some jurisdictions indicates that implementation continues to be a key challenge. Strategic application of investigative and financial tools, international cooperation mechanisms, robust judicial capacity, and proportionate sentencing – especially the consistent imposition of strong custodial penalties on high-level traffickers – are all critical to disrupting and dismantling organised wildlife trafficking networks and creating meaningful deterrence. Systemic challenges – including the limited species coverage of CITES, the absence of a universal definition of wildlife crime at the international level or comprehensive list of offences to criminalise, and the lack of explicit reference to wildlife or environmental crime in the UNTOC – highlight the need for more targeted legal and institutional frameworks. Because UNTOC's provisions do not automatically extend to wildlife trafficking, their application depends on whether States

have classified such offences as “serious crimes” in domestic law and committed the political will and resources needed for enforcement. In practice, this creates uneven implementation: where penalties fall below the UNTOC threshold, States cannot invoke its mechanisms, even against well-organised, transnational criminal networks.

Building on these findings, this paper sets out key recommendations to close legislative and operational gaps, enhance enforcement, and ensure more effective, proportionate, and consistent responses to wildlife trafficking globally:

1. Strengthen domestic legislation (including incorporation of key UNTOC provisions) and ensure harmonisation

- **Key offences that should be criminalised** in domestic legislation include activities related to illegal hunting/killing, trade (sale and purchase), trafficking/smuggling (illegal import, export, and re-export), possession, captive breeding, transportation, and processing, as well as attempts to commit such offences. Corporate liability is another critical area, and given that corporate actors are often linked to more serious crimes committed at a commercial scale, jurisdictions should consider provisions that allow for higher penalties for offences committed by corporations. Harmonisation across jurisdictions, particularly among main source, transit, and demand locations, on these offences is essential to satisfy dual criminality requirements and facilitate the use of UNTOC provisions for joint investigations, mutual legal assistance, and extradition, as well as to prevent displacement of crime to countries with

weaker laws or enforcement. This research found a high degree of harmonisation across 19 jurisdictions, although there were some minor gaps for the criminalisation of captive breeding, processing, and attempts to commit an offence. These findings suggest that these areas may require additional attention from governments when reviewing their legislation, and additional assessments including other jurisdictions and supply chains would be necessary to identify additional gaps.

- **Domestic legislation should criminalise** serious forms of wildlife trafficking in line with the UNTOC definition of “serious crime” (offences punishable by at least four years’ imprisonment), enabling the use of UNTOC provisions for investigation, prosecution and international cooperation. While most jurisdictions in this research already meet this threshold, a small contingent are operating with older legislation where penalties are less than four years imprisonment. Moreover, beyond this research, UNODC data indicate that fewer than half of UN Member States provide maximum penalties of four years or more.¹⁶ It is noted that even if most jurisdictions along a wildlife trafficking supply chain have legislation aligned with UNTOC standards, gaps in a few jurisdictions can significantly hinder international cooperation and limit the effective use of UNTOC international cooperation mechanisms. Thus, jurisdictions should consider revising their legislation to ensure the penalties meet this threshold, thereby enabling coordinated, cross-border action against wildlife trafficking, strengthening both deterrence and the ability to engage UNTOC mechanisms.
- **Consider adopting legislative provisions** that prohibit the trade in wildlife products that were

obtained in contravention of another jurisdiction’s laws.¹⁷ Such provisions reflect the principle of legal comity, under which jurisdictions recognise and give effect to each other’s laws.¹⁸ They are important to close a critical loophole that currently allows criminals to profit from illegally sourced specimens once they are exported, and can help to safeguard nationally protected species that are not necessarily protected by CITES, while reinforcing accountability in transnational wildlife trafficking.

- **Domestic legislation should clarify** mandates and enforcement powers of relevant agencies to avoid duplication or “grey areas” when multiple bodies share jurisdiction. Agencies responsible for investigating serious wildlife crimes should have the necessary powers, expertise, and resources to investigate transnational organised crime. This often requires the leadership of traditional law enforcement agencies alongside environmental authorities in serious wildlife trafficking cases.
- **Wildlife trafficking should be recognised** as a predicate offence for money laundering, allowing the application of anti-money laundering frameworks. Jurisdictions could consider adopting an “all crimes” approach to predicate offences, to enable the broadest possible application of the legislation.
- **Special investigative techniques** such as undercover operations, controlled deliveries, and covert surveillance should be expressly authorised in legislation for serious wildlife trafficking cases, to ensure that they are used consistently and that evidence obtained through the use of these techniques is admissible in court. At a minimum, legislation should not prevent the use of such techniques in relevant cases.

¹⁶ UNODC (2025), *Global Analysis on Crimes that Affect the Environment – Part 1: The Landscape of Criminalization*, p.31.

¹⁷ For examples of legislative provisions, see Wildlife Conservation Society (2025), *Drafting guide: Preventing illegal trade in nationally protected, non-CITES-listed species*.

¹⁸ GI-TOC (2025), *A New Protocol for the UNTOC?* p.20.



- **Domestic legislation should provide** for additional penalties against high-level offenders involved in serious crimes, ensuring that sanctions directly contribute to remedying the harm caused by their activities. For example, this could include fines to cover costs related to storage, care, disposal or repatriation of wildlife specimens, or compensation for the damage caused by the offence.

2. Strengthen implementation and use of UNTOC provisions

- **While legislation has improved** significantly in recent years, implementation and enforcement remain the weakest links. Jurisdictions should make full use of UNTOC provisions to support investigations, evidence collection, and prosecution, helping achieve more appropriate sentencing outcomes.
- **Strategic and consistent law enforcement** efforts are essential to create deterrence and ensure interventions are prioritised effectively. Law enforcement and judicial systems must ensure that high-level offenders face a genuine risk of arrest, prosecution, and conviction, so that the threat of significant punishment is credible and consistent, while avoiding overly focusing resources on lower-level offenders.
- **Greater and more consistent** use of special investigative techniques (including controlled deliveries, of which there are very few known examples of use) is needed for serious wildlife trafficking cases.
- **Expanded use of financial investigations**, asset confiscation, and non-conviction-based forfeiture (where legislation allows), is needed to target illicit profits and dismantle the economic incentives driving wildlife trafficking. Limited application of

these measures was identified among the jurisdictions studied, suggesting gaps in law enforcement practice.

- **Where relevant and possible**, high-level offenders should also be charged for money laundering and criminal association.
- **Given the central role of corruption** and collusion by trusted insiders, measures should be taken to detect, prevent, and prosecute corruption in wildlife trafficking supply chains.
- **States should strengthen** the use of international cooperation mechanisms under UNTOC, including joint investigations, intelligence sharing, and mutual legal assistance. While examples of cooperation exist, greater systematic efforts are required. Platforms for collaboration and information exchange such as regional or inter-agency meetings can play a critical role in facilitating rapid coordination, supporting ongoing investigations, and fostering trust among law enforcement agencies. Successful prosecutions have been inconsistent and far fewer than the scale of trafficking would suggest. In this regard, promoting prosecution outcomes and ensuring that prosecution information is publicly accessible can play a key role in evaluating how effectively legislation is implemented, while also supporting prevention efforts and raising public awareness of the gravity of the threat of serious wildlife offences.¹⁹
- **States should continue leveraging** Article 30 of UNTOC (technical assistance and economic development) to strengthen law enforcement capacity, provide adequate resources, and improve coordination between agencies, including through the UNTOC Working Group of Government Experts on Technical Assistance.²⁰ Many law enforcement agencies investigating wildlife trafficking face capacity constraints, lack sufficient personnel, specialised training, funding and equipment. Multistakeholder partnerships between law enforcement agencies,

¹⁹ UNTOC Article 31(5) encourages States Parties to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organised crime.

²⁰ <https://www.unodc.org/unodc/en/organized-crime/intro/COP/working-groups.html>

civil society organisations, financial institutions, the transport sector, and academia can also provide valuable technical assistance and capacity building support to assist with investigating transnational wildlife trafficking networks.

3. Ensure proportionate and effective sentencing

- **Sentences should reflect** the seriousness of the offence, degree of harm caused, and culpability of the offender. An appropriate penalty should be fair and just, while aiming to rehabilitate the offender, reduce the risk of reoffending, and deter other people from committing similar offences.
- **High-level traffickers** should face proportionate custodial sentences, with the possibility of additional penalties (compensation, asset forfeiture) if relevant to the case, without the option of substituting fines in lieu of imprisonment. Low fines risk being treated merely as a cost of doing business rather than a meaningful penalty, given the vast profits that high-level traffickers can derive from the trade, significantly undermining proportionality and deterrence. Penalties for high-level offenders should be comparable to those imposed for other forms of transnational organised crime, such as drug or arms trafficking, to reflect the organised, profit-driven, and highly damaging nature of wildlife trafficking.
- **At the same time**, over-criminalisation of low-level offenders (e.g. subsistence poachers) should be avoided, ensuring fairness while maintaining focus on disrupting the higher levels of criminal networks. Restorative justice or alternative penalties (such as community service) may be more appropriate in such cases, where legislation allows.

4. Support the judiciary to improve adjudication of cases

- **Specialist training** for prosecutors and judges is essential to build environmental literacy and strengthen the handling of complex wildlife cases.
- **The establishment of specialised** environmental courts or appointment of specialised prosecutors can improve the consistency, efficiency, and quality of case outcomes.
- **The use of sentencing guidelines**, expert witnesses, and species victim impact statements can assist courts in assessing the seriousness of harm and tailoring proportionate sentences.
- **These measures can also reduce** litigation costs, improve jurisprudential coherence, and ensure more effective deterrence across jurisdictions.

It is hoped that these recommendations will inform multilateral policy discussions, including the IEG process, on how to more effectively prevent and combat serious forms of wildlife trafficking. Implementing these measures would enable States and the international community to build a more coherent, coordinated, and effective response, embedding wildlife trafficking firmly within the framework of transnational organised crime.

While some recommendations could be operationalised through existing mechanisms, others may benefit from the development of a dedicated legal instrument with provisions explicitly applying to crimes that affect the environment (including wildlife trafficking), such as an additional protocol to the UNTOC.²¹ Such an approach could ensure that crucial UNTOC provisions apply to transnational organised wildlife crime regardless of the penalty level in

²¹ For examples of draft provisions, see Global Initiative to End Wildlife Crime, *Form and content of a possible Protocol on the illicit trafficking of wildlife*.



domestic legislation, thereby addressing limitations such as the “serious crime” threshold, and ensuring that UNTOC application and implementation is not solely dependent on political will. A dedicated protocol would automatically trigger and enhance the application of all UNTOC mechanisms in tackling crimes that affect the environment, including wildlife trafficking. It could also provide a clear definition of wildlife crime and a comprehensive list of offences to be criminalised domestically, promoting legislative harmonisation and strengthening international cooperation. However, even in this context, it will be important to retain flexibility to accommodate diverse national contexts. In this regard, the ongoing work of the IEG provides a timely platform for consolidating these efforts and identifying opportunities to strengthen the international framework for crimes that affect the environment, including wildlife crime.

In parallel, interim measures such as a permanent review process, working group, or through an extension of the IEG’s current mandate, to monitor UNTOC implementation for wildlife trafficking and other crimes that affect the environment would be beneficial to assess gaps, provide technical assistance, and support further research. This could also maintain momentum, inform more comprehensive analyses of UNTOC implementation across different jurisdictions and commodities, and support sustained political and operational engagement.

Together, these approaches could offer both immediate and long-term pathways to strengthen legislation, enforcement, and prosecution outcomes in wildlife trafficking cases, reinforcing a global, coordinated effort, and helping to address one of today’s most pressing conservation and security challenges.



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