



WORLD
ANIMAL
JUSTICE

BEYOND TRAFFICKING: RETHINKING WILDLIFE CRIME AS A SYSTEMIC FORM OF EXPLOITATION

WORLD ANIMAL JUSTICE
(WAJ)
POLICY BRIEF

Author & Strategic Lead: **Dr. Meganne Natali**,
International Legal Consultant – Wildlife
Crime, Biodiversity & Environmental Law.
This policy brief was commissioned by World
Animal Justice.



— EXECUTIVE SUMMARY —

THE POLICY GAP:

Current international frameworks treat wildlife crime primarily as a cross-border trafficking and customs issue. This transaction-heavy lens obscures a continuous chain of illicit domestic acts—illegal harvesting, processing, transit, possession, and localized distribution—that form the structural foundations of the global illicit market.

THE SYSTEMIC REALITY:

Wildlife crime operates as a highly integrated, adaptive system of organized extraction rather than a series of disconnected offenses. By failing to legally define and penalize the entire supply chain uniformly, the existing legal architecture leaves critical domestic and upstream vulnerabilities unaddressed.

STRATEGIC RECOMMENDATIONS:

Member States should leverage current deliberations regarding a 5th Protocol under the United Nations Convention against Transnational Organized Crime (UNTOC) to move past reactive, transaction-based enforcement. This brief proposes an operational, harmonized definition designed to eliminate jurisdictional safe havens and disrupt the underlying economic model of environmental syndicates.

1 CONTEXT & PROBLEM ANALYSIS: THE FAILURE OF THE TRADE-CENTRIC PARADIGM

Within global policy discourse, wildlife crime is predominantly framed through the prism of illegal trade and transnational trafficking. While this captures a highly visible, multi-billion-dollar market, it systematically obscures a broader continuum of unlawful activities—extraction, possession, and localized processing—that actively sustain global exploitation. Consequently, traditional frameworks marginalize the material realities of this enterprise, including cumulative ecological degradation, habitat disruption, and severe biosecurity risks generated long before a commodity crosses a border.

Trafficking networks cannot function without an organized apparatus of domestic extraction. Yet, because current regimes prioritize formal trade flows, these foundational phases remain legally marginalized. This produces a fragmented representation of the crime: organized networks easily shield their logistics hubs by deliberately nesting them within jurisdictions where upstream domestic offenses are treated as minor infractions, granting operational insulation to criminal syndicates.

2. STRUCTURAL LIMITATIONS OF EXISTING FRAMEWORKS

CITES: Administrative Compliance vs. Criminal Intent

CITES' mandate is strictly confined to regulating the conditions of legal international trade through an administrative system of permits. Under this framework, legality becomes a function of bureaucratic compliance rather than the underlying structure of exploitation. Identical physical conduct—such as the extraction and transport of a protected species—may be treated as a severe infraction or a legitimate transaction depending entirely on formal paperwork, irrespective of criminal intent or systemic ecological impact. This administrative focus effectively filters out legal attention and displaces the material realities of the harm generated throughout the extraction chain.

UNTOC & UNODC: The Structural Gaps in Criminal Law

When engaging with criminal law frameworks like UNTOC, powerful mechanisms—such as mutual legal assistance (MLA), extradition, and asset recovery—are legally triggered only when an offense meets the strict criteria of being transnational, involving an organized group, and qualifying as a "serious crime" (punishable by at least four years of imprisonment).

Because many jurisdictions classify upstream activities (harvesting, processing, domestic possession) as minor administrative infractions, these pivotal links fail to clear the "serious crime" threshold. Organized actors exploit these legislative fractures through strategic adaptation and jurisdictional arbitrage. Crucially, when dual criminality requirements cannot be met due to conflicting national definitions, formal international cooperation completely stalls, allowing syndicates to maintain operational continuity even if their cross-border trafficking nodes are disrupted.

3. POLICY RECOMMENDATIONS & STRATEGIC IMPLICATIONS

A Unified, Multi-Verb Definition

To bridge this operational gap, Member States must adopt a comprehensive definition that captures the full continuity of wildlife crime across both domestic and transnational domains. This brief proposes the integration of the following definition into national legislation and international instruments:

“Wildlife crime refers to the taking, harvesting, trapping, trading (including supplying, selling, or trafficking), importing, exporting, processing, possessing, obtaining, and consumption of wild fauna and flora, including timber, in contravention of national, regional, or international law.”

By listing these comprehensive verbs, the framework structurally reframes wildlife crime as a system of organized extraction, applying uniformly across all taxonomic and ecological boundaries (terrestrial, freshwater, and marine).

ACTION PLAN FOR MEMBER STATES

1

CODIFY THE SYSTEMIC DEFINITION:

Integrate the proposed multi-verb definition into national legislation to ensure criminal liability attaches to every phase of the illicit environmental supply chain.

2

ELEVATE UPSTREAM OFFENSES TO "SERIOUS CRIMES"

Upgrade domestic penalties for large-scale domestic extraction, specialized processing, and illicit possession to meet or exceed the four-year imprisonment threshold under UNTOC Article 2(b). This automatically unlocks advanced UNTOC investigative tools, specialized electronic surveillance, and asset recovery mechanisms.

3

DISMANTLE ECOSYSTEM SILOS

Harmonize international and domestic laws to eliminate artificial legal separations across ecological domains, treating crimes against terrestrial, freshwater, and marine species under a single environmental crime mandate.

4

CHAMPION THE 5TH PROTOCOL UNDER UNTOC

Actively utilize this systemic supply-chain framework as a baseline to guide and advance current multilateral negotiations toward a new legally binding international protocol against environmental organized crime.

5

SHIFT ENFORCEMENT TO SYSTEMIC DISRUPTION

Mandate national law enforcement and UNODC-supported Wildlife Enforcement Networks (WENs) to prioritize long-term, multi-jurisdictional investigations targeting financial nodes and high-level logistics managers over simple, entry-point commodity seizures.