



13 June 2024

Contribution of the Jane Goodall Institute to the Constructive Dialogue on Technical Assistance and International Cooperation

The Jane Goodall Institute (JGI) is committed to understanding and protecting chimpanzees, other animals, and their habitats, and to educating, inspiring, and empowering people to take action to create a better world for people, other animals, and our shared environment. Our global network consists of 25 national chapters, with a further presence of our youth program *Roots & Shoots* in over 70 countries.

JGI aims to end the illicit trafficking of wildlife and support evidence-based collaborative approaches to the complex problem of trafficking, working in partnership with local communities. JGI works with local communities, governments, and individuals to mitigate the threats to chimpanzees and other wildlife through our ‘triangle approach’ –promoting the interplay between sanctuaries, law enforcement, and public engagement (including education and alternative livelihoods).

We extend our thanks to the UNODC Civil Society Unit for the invitation to contribute to the Constructive Dialogue on Technical Assistance and International Cooperation on 7 June 2024 as part of the UNTOC review process following the conclusion of the fifteenth sessions of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation.

JGI commends the UNODC for its recent publication of two reports: the 3rd edition of its *World Wildlife Crime Report - Trafficking in protected species*, and Part 1 of its *Global Analysis on Crimes that Affect the Environment*. Both reports consolidate significant research on both the occurrence and response to crimes traditionally neglected by criminal justice, including the criminalisation of relevant conduct.

Our contribution emphasises three points, namely that:

1. crimes that affect the environment are not victimless,
2. international cooperation and technical assistance harnessing multisectoral expertise are key to effective responses, and
3. not only is there a need to strengthen our international framework to prevent and respond to relevant conduct, but failure to proceed could stifle development of a fit-for-purpose approach for generations.

We also demonstrate how in our experience, engaging as an NGO with governments in recognition of wildlife trafficking as a serious crime, we have seen significant shifts in behaviour associated with reduction and prosecution of crime. For present purposes, our submission focuses predominantly on illicit trafficking in wildlife.

Crimes that affect the environment are not victimless. Wildlife trafficking threatens species survival, damages eco-system health, poses significant health risks to humans, and causes intense suffering to individual animals. The presence of organized crime, cycles of violence, corruption, and the fraud that facilitate these crimes threaten good governance, the rule of law, and sustainable development more broadly. Local communities living with and around wildlife are most directly affected. We also acknowledge the rangers and conservation journalists who each play a role in protecting Earth’s natural and cultural heritage at significant personal risk for themselves and

their families. We and colleagues across our global network are observing an escalation of violence to personnel involved in protecting wildlife including threats, kidnapping, assaults, and homicides.

Crimes that affect the environment also incur a tremendous economic cost. In 2019, the World Bank estimated the cost of wildlife crime to be in the range of USD1 trillion – 2 trillion per annum inclusive of the ability for species to sequester carbon and the loss of government revenues. In 2021, a global research team calculated the ‘hidden costs’ of illegal wildlife trade including USD162.7 billion per annum due to the accidental introduction of predators and ‘pests’ which threatens the biological integrity of native systems. Lastly, with communities in many Member States still reeling from the economic and non-economic impacts of the COVID-19 pandemic, JGI was concerned when the IPBES reported some 1.7 million undiscovered viruses thought to exist in wild animals, of which approximately half could spill over to humans. There are substantial public health risks where humans encroach into wild spaces and/or bring wild species into closer proximity to humans or other species in the commission of a range of crimes that affect the environment, including wildlife crime, forestry crime, and illegal mining and trafficking in metals and minerals.

The existing UNTOC framework includes provisions pertaining to the protection for the human victims of crime as well as seizure, confiscation, and disposal of assets linked to crime. What is noteworthy about JGI’s anti-trafficking work is that the victims *are* themselves assets. Our flagship species, chimpanzees, are considered humankind’s closest living relatives, sharing nearly 99% of our DNA. These animals are individuals with complex needs, and – much like humans – need their mothers until the age of around six to learn how to interact with others and their environment. The live infant trade continues to be one of our greatest challenges, with new arrivals adding pressure to sanctuaries already at capacity across Africa.

It is important that Member States be supported by technical experts working to best practice standards in how to care for wild species in the custody of law enforcement and ideally assist in building capacity elsewhere in the region to create a robust and resilient response network. An example we can provide from our work comes from Dr Rebeca Atencia. Dr Atencia is Executive Director of the JGI in the Republic of Congo (RoC) and head veterinarian at our Tchimpounga sanctuary (the largest chimpanzee sanctuary in Africa, and member of the Pan African Sanctuary Alliance):

One notable challenge I’ve encountered involves the confiscation of live animals in RoC. Initially, eco-guards in protected areas allowed individuals found with live animals to pass without consequence. To address this, we began training frontline officers to confiscate these animals and issue infractions to those illegally possessing them.

However, this training led to another significant challenge, since then the number of confiscated animals increased, but many of them died shortly after being taken into custody by the eco-guards. To address that challenge, we sought funding and developed a comprehensive training program for frontline officers on proper animal handling, transportation, and the concept of animal welfare. This training helped officers view the animals with more compassion and they began treating the animals with more care and prioritized getting animals quickly to the sanctuary if they appeared in poor health or have injuries. Since that time, the survival rate of confiscated animals has improved, and we’ve been able to successfully release many more animals.

So, the issue of animal confiscations presented a series of challenges that required us to continually adapt and find new solutions to ensure better outcomes for the animals and more effective enforcement against wildlife trafficking.

A further observation made by Dr Atencia was that building capacity to care for one species changed agency staff attitudes to wildlife more broadly, resulting in a range of species being identified, confiscated, and brought in for care:

Not only did the CARE Project achieve its objective by enhancing survival rates, but it also sparked a newfound enthusiasm among the wildlife agency staff in Pointe Noire, who underwent the same training. The impact of this training on agency staff was also important, particularly within the city's Waters and Forest Department. Suddenly, they began actively bringing us various confiscated wildlife, ranging from pangolins to monkeys and eagles. This remarkable shift underscored the power of collaboration in reigniting passion and dedication among all parties involved, whether frontline officers or agency department staff.

The shift in attitudes in law enforcement runs in tandem with JGI's work on broader public outreach and education, which has expanded to cover not only chimpanzees, but an additional ten key taxa in RoC:

Wildlife trafficking of great apes has seen a significant shift in community perception over the years in RoC, mainly due to our focused outreach and education efforts. About ten years ago, when we began implementing educational campaigns, implanting visual billboards with related village events, we noticed a dramatic decrease in great ape trafficking incidents. Initially, pre-and-post outreach surveys revealed that many community members were unaware that chimpanzees and gorillas were protected species and lacked all general knowledge about great apes. And then, as our programs continued, we observed an improvement in community attitudes towards great apes. And finally, about a decade ago, we began to see dramatic changes in behavior. Chimpanzee trafficking nowadays often results from accidental killings through non-selective hunting tools like snare traps rather than deliberate hunting or capturing.

One notable story involves a local man who accidentally killed a chimpanzee in a snare trap and attempted to deceive his village by presenting the meat as from another animal. However, the villagers, aware of the protected status of chimpanzees, discovered the origin of the meat and reported the incident to JGI RoC and the local authorities. The fact that an entire village advocated for justice for the killed chimpanzee represents a significant success, reflecting a profound change in community knowledge, attitudes, and behaviors regarding great apes.

One final observation from Dr Atencia concerns the importance of international collaborations and cooperation between government and NGOs like JGI to not only build a network of qualified sanctuaries and community-centered education initiatives, but to maximise chances for repatriation to the country of origin and release back to the wild:

One particularly inspiring story involves the general director of Congo's Ministry of Forest Economy and his transformative experience with a gray parrot rescue operation in Brazzaville. As the only sanctuary in the Republic of Congo equipped to rehabilitate rescued parrots, we invited the director to visit our site soon after their arrival. During his visit, he witnessed the rehabilitation and release process firsthand, observing the care and dedication our team provided to these traumatized birds.

This powerful experience touched and motivated the director. Inspired by what he saw, he became a passionate advocate for gray parrots. He championed the repatriation of 34 trafficked gray parrots back to Congo from Spain, ensuring they could return to their natural habitat. He now takes an active role in organizing rescues and securing permits for any group of parrots, or

individual parrots, found in illegal detention in RoC and gives voice to plight of trafficked parrots on the national and international platforms.

Another example is our collaboration with eco-guards, gendarmerie, and marine units in protected areas, by teaming them up with our anti-poaching canine units. This seemed to revolutionize their efforts and interest in enforcing wildlife laws, dramatically increasing the number of live animals and illegal bushmeat seizures. This breakthrough led to a remarkable influx of diverse animals needing rehabilitation and release, including species like red river hogs, duikers, and sitatungas.

While our work throughout JGI's global network is full of inspiring stories and successes as outlined above, we stress that our work is ever more challenging as crimes affecting the environment threaten wildlife and their habitats. While these crimes are widespread, there remains a general lack of knowledge, appreciation of the seriousness of offending, and enforcement of laws.

The ubiquity of corruption is also a major enabler of wildlife trafficking. In the trafficking of great apes, fraud in trade paperwork to obscure trafficking has been identified, as well as the likely involvement of government employees in protecting and perhaps even sponsoring trafficking activity, which significantly limits effective law enforcement. This is but one reason for why we implore all Member States to implement the existing provisions under the UNTOC where the relevant conduct fits within its definitional scope as well as make use of UNTOC's close relationship with the UNCAC.

In addition, we submit that behaviour change could be promoted through harnessing criminal law's expressive function in creating, validating, and legitimising standards of behaviours and norms. To advance this most explicitly, Member States could consider a more specific instrument under the auspices of the UNTOC to address crimes affecting the environment. For example, we posit that a Protocol on wildlife trafficking could complement existing provisions and align with the existing Palermo Protocols. This option could serve as a first step towards strengthening the international community's resolve to prioritise crimes affecting the environment. To do so would foreseeably benefit the pursuit of other forms of organized crime given the degree of crime convergence with other commodities.

Based on the UNODC's recent analysis, we note that some 164 Member States criminalise wildlife trafficking to some degree, with 86 (fewer than half of Member States) meeting the UNTOC definition of 'serious crime' (requiring a custodial penalty of at least four years). We also note that wildlife crime penalties have a wide disparity in punitive measures (i.e. imprisonment from a few days to life; and fines ranging from a few USD to three million USD). Interestingly, Africa and Asia have the highest average percentage of Member States bearing penalties meeting the serious crime definition, indicating that the persistence of crime does not necessarily mean 'weak laws' but rather lack of enforcement.

While there is urgent need for a more fit-for-purpose approach to preventing and responding to crimes affecting the environment, it is encouraging that there is growing momentum among Member States to consider strengthening the existing framework. The fact that the topic was on the agenda for this year's Constructive Dialogues is to be applauded. However, mindful of the importance of state practice in interpreting international treaty obligations (e.g. as per the *Vienna Convention on the Law of Treaties*), JGI is concerned that should Member States opt not to consolidate current political will and pursue more concrete efforts to harmonise and prioritise crimes affecting the environment, this could be interpreted adversely in the future.

We invite Member States to take this opportunity to consider all possible options to advance the treatment of these crimes under criminal law, even incrementally.

We conclude our submission with a quote from Dr Jane Goodall DBE (Founder of the Jane Goodall Institute and UN Messenger of Peace):

No organisation on its own, no country on its own, can effectively stop the illegal wildlife trade that knows no borders. Only through our collective efforts, continued collaboration across borders can we stamp out this cruel and devastating trade, wildlife trafficking. Together we simply must. Otherwise, the effects will be so devastating that entire ecosystems will collapse, and future generations will never know the joy of going out to see some of these extraordinary animals, and trees, and plants in the wild.