

Addressing the international illegal wildlife trade through a human rights approach

Chad Patrick Osorio^{1,2}  | Nadia Bernaz³ 

¹Environmental Economics and Natural Resources Group and Law Group, Wageningen University and Research, Wageningen, Netherlands

²School of Environmental Science and Management, University of the Philippines Los Banos, Laguna, Philippines

³Law Group, Wageningen University and Research, Wageningen, Netherlands

Correspondence

Chad Patrick Osorio, Environmental Economics and Natural Resources Group and Law Group, Wageningen University and Research, Wageningen, Netherlands.
Email: chad.osorio@wur.nl

Abstract

Cross-border illegal wildlife trade (IWT) poses significant social, political and economic threats. Despite a 2013 recommendation from the Secretariat of the Convention on the International Trade of Endangered Species to incorporate a human rights perspective in counter-IWT initiatives, our analysis of official documents spanning 2013–2022 reveals a lack of explicit implementation by international bodies. During the same period, global human rights organisations have given limited attention to the connections between IWT and human rights violations. In this article, we explore how integrating a human rights perspective can enhance the international legal framework and domestic measures against IWT. We conclude that to successfully implement counter-IWT legislation, a shift in mindset is needed. A human rights approach is not just desirable, but rather necessary, in the interpretation, application and revision of policy interventions, for laws against IWT to be truly effective and equitable.

1 | INTRODUCTION

Wildlife trade is one of the most lucrative businesses in the world.¹ It encompasses all commercial transactions, sales and exchanges of wild animal and plant resources.² These resources can range from live specimens to parts thereof, including horns, tusks, roots and leaves, as well as derivative products like powders, syrups and extracts. The majority of these trade activities are legal, with wildlife resources estimated at US\$119 billion in annual export values.³

Trade in wildlife becomes illegal when committed in breach of laws and regulations, many of which aim to protect the environment and conserve natural resources; it is considered wildlife crime when penalties such as fines, administrative sanctions and imprisonment are imposed upon specific behaviours.

Illegal wildlife trade (IWT) is defined as 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’.⁴ IWT is a highly profitable activity.⁵ Of the various transnational criminal activities, only the trade in illegal drugs, weapons smuggling and human trafficking are more

¹R Duffy, ‘The Illegal Wildlife Trade in Global Perspective’ in L Elliott and WH Schaedla (eds), *Handbook of Transnational Environmental Crime* (Edward Elgar 2016) 109.

²V Nijman, ‘An Overview of International Wildlife Trade from Southeast Asia’ (2010) 19 *Biodiversity and Conservation* 1101.

³Financial Action Task Force, ‘Money Laundering and the Illegal Wildlife Trade’ (Financial Action Task Force 2020). Note, however, that these estimations are not to be taken at face value, considering the inherent difficulty in valuating wildlife resources. The study of wildlife trade encompasses a complex research area that necessarily draws upon a diverse array of sources, including academic literature, civil society reports, government documents and publications from international organisations. The reliance on such a wide range of sources underscores the difficulty in accessing comprehensive academic sources. This situation reflects the practical realities of conducting research in areas where on-the-ground actions

and policy interventions are rapidly evolving and where academic literature may lag behind the immediate insights and experiences of those directly engaged in wildlife trade issues.

⁴United States Immigration and Customs Enforcement, ‘Homeland Security Investigations Wildlife Trafficking Campaign Partner Social Media Toolkit’ <<https://www.ice.gov/toolkit/wildlife>>.

This is an open access article under the terms of the [Creative Commons Attribution-NonCommercial-NoDerivs](https://creativecommons.org/licenses/by-nc-nd/4.0/) License, which permits use and distribution in any medium, provided the original work is properly cited, the use is non-commercial and no modifications or adaptations are made.

© 2024 The Author(s). *Review of European, Comparative & International Environmental Law* published by Wiley Periodicals LLC.

profitable.⁶ Its annual value is estimated to range from US\$19 billion to US\$23 billion.⁷ Based on International Monetary Fund estimates, this black market value is bigger than the individual gross domestic product (GDP) of nearly half the countries in the world.⁸

IWT poses a significant global problem. Excessive harvesting, fueled by wildlife trade, is considered one of the leading threats to biodiversity, affecting thousands of species.⁹ Within 50 years, an estimated 15% to 30% of all known species are expected to go extinct due to anthropomorphic causes.¹⁰ At least 950 species of plants and animals are at risk due to high international demand and continued trade.¹¹ National and international trade respectively reduced species abundance by up to 76.3% and 65.8%.¹² IWT threatens the existence of more than 30% of mammalian and avian species.¹³ This rapid disappearance of species harms ecosystem functions and services, which in turn are important for economic initiatives of poverty reduction and sustainable development.¹⁴ IWT can also catalyse the spread of invasive species and the rise of zoonotic diseases.¹⁵ Further, IWT is not a stand-alone crime and is connected to other forms of illegal trade. Laundered profits gained from these criminal activities can contribute to undermine the integrity and stability of domestic financial systems.¹⁶ Because of unequal distribution resources to protect biodiversity, IWT affects developing countries disproportionately.¹⁷

Recognising IWT as a global problem, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) stems from the 1972 United Nations (UN) Conference on the Human Environment in Stockholm. Also known as the Washington Convention, CITES was signed by 21 parties in 1973, entering into force in

1975.¹⁸ At the time of writing, CITES parties include 183 States and the European Union. CITES has two primary functions: regulations and bans. It lists about 5950 animal and 32,800 plant species in three Appendices.¹⁹ It has been described as the 'most important' and 'best supported' international instrument for documenting and regulating international commerce in plants and animals.²⁰

But CITES only partially addresses the problem. For example, CITES reports only enumerate 29% of the total number of reptile species offered for sale online.²¹ More generally, CITES lags behind the International Union for Conservation of Nature (IUCN) in identifying and protecting species at risk of extirpation and extinction.²² At the same time, CITES is primarily a trade treaty. Its enforcement powers are commerce-based, including sanctions, seizures and returns.²³ Therefore, to strengthen the implementation of its international mandate through criminal justice, CITES has partnered with Interpol, the UN Office on Drugs and Crime (UNODC), the World Bank and the World Customs Organization to form the International Consortium on Combating Wildlife Crime (ICWC).²⁴ The ICWC aims to strengthen the international criminal justice system against IWT.²⁵

In addition to CITES, other international legal instruments support preventing IWT. The UN Convention against Transnational Organized Crime (UNTOC, or the Palermo Convention), is supported by the UNODC and has 191 parties at the time of writing.²⁶ The UNTOC has three supplementary Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol Against the Smuggling of Migrants by Land, Sea and Air; and the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms. In May 2022, the UN Commission on Crime Prevention and Criminal Justice opened discussions on a new protocol to the UNTOC focusing on wildlife crime.²⁷

Finally, the UN Convention against Corruption (UNCAC)²⁸ has 188 States parties at the time of writing, and entered into force in

⁶H Kim, 'How Animal Trafficking Became One of the Most Lucrative Industries on the Planet' (Sentient Media, 22 December 2021) <<https://sentientmedia.org/animal-trafficking/>>.

⁷Independent Evaluation Office of the Global Environment Facility, 'Biodiversity Focal Area Study' (Global Environment Facility 2017), citing A Goyenechea and RA Indenbaum, 'Combating Wildlife Trafficking from Latin America to the United States' (Defenders of Wildlife 2015). Again, valuating the wildlife trade, both legal and illegal, presents a significant challenge, primarily due to the difficulty in sourcing credible and comprehensive data. Especially the clandestine nature of IWT, coupled with the vast and varied legal trade, complicates efforts to obtain accurate figures. Reports from governments, international organisations, nongovernmental organisations and research institutions offer a glimpse into this complex market, but these sources vary widely in methodology, scope and focus. Without taking these reports at face value, we assess the wildlife trade with a nuanced approach that considers the scale and impact of trade across different contexts and species.

⁸International Monetary Fund (IMF), 'World Economic Outlook, October 2022: Countering the Cost-of-Living Crisis' (IMF 2022).

⁹BR Scheffers et al, 'Global Wildlife Trade across the Tree of Life' (2019) 366 *Science* 71.

¹⁰CD Thomas et al, 'Extinction Risk from Climate Change' (2004) 427 *Nature* 145; JJ Wiens and J Zelinka, 'How Many Species Will Earth Lose to Climate Change?' (2024) 30 *Global Change Biology* e17125.

¹¹EG Frank and DS Wilcove, 'Long Delays in Banning Trade in Threatened Species' (2019) 363 *Science* 686. For a broad critique on the methods of determination and application of such data, see DWS Challenger et al, 'Mischaracterizing Wildlife Trade and Its Impacts May Misdirect Policy Processes' (2022) 15 *Conservation Letters* e12832; and DWS Challenger et al, 'Identifying Species Likely Threatened by International Trade on the IUCN Red List Can Inform CITES Trade Measures' (2023) 7 *Nature Ecology & Evolution* 1211.

¹²O Morton et al, 'Impacts of Wildlife Trade on Terrestrial Biodiversity' (2021) 5 *Nature Ecology & Evolution* 540.

¹³P Rivalan et al, 'Can Bans Stimulate Wildlife Trade?' (2007) 447 *Nature* 529.

¹⁴World Bank, 'Illegal Logging, Fishing, and Wildlife Trade: The Costs and How to Combat It' (World Bank 2019).

¹⁵ER Rush et al, 'Illegal Wildlife Trade and Emerging Infectious Diseases: Pervasive Impacts to Species, Ecosystems and Human Health' (2021) 11 *Animals* 1821.

¹⁶Duffy (n 1); World Bank (n 14).

¹⁷World Bank (n 14); D Roe et al, 'Beyond Banning Wildlife Trade: COVID-19, Conservation and Development' (2020) 136 *World Development* 105121.

¹⁸Convention on International Trade in Endangered Species of Wild Fauna and Flora (adopted 3 March 1973, entered into force 1 July 1975) 993 UNTS 243 (CITES).

¹⁹CITES, 'The CITES Species' <<https://cites.org/eng/disc/species.php>>.

²⁰M Harfoot et al, 'Unveiling the Patterns and Trends in 40 Years of Global Trade in CITES-Listed Wildlife' (2018) 223 *Biological Conservation* 47; CS Fukushima et al, 'Challenges and Perspectives on Tackling Illegal or Unsustainable Wildlife Trade' (2021) 263 *Biological Conservation* 109342.

²¹BM Marshall et al, 'Thousands of Reptile Species Threatened by Under-Regulated Global Trade' (2020) 11 *Nature Communications* 4738.

²²ibid. However, both IUCN and CITES have different criteria and thus could be the basis of the perception of a 'lag'. See Challenger et al 2023 (n 11).

²³K Consalo, 'Fighting Back from the Brink: International Efforts to Prevent Illegal Trafficking in Endangered Species' (2019) 43 *Environ: Environmental Law and Policy Journal* 67.

²⁴UNODC, 'ICWC' <<https://www.unodc.org/unodc/en/environment-climate/ICWC.html>>.

²⁵M Larm et al, 'The Role of Wildlife Tourism in Conservation of Endangered Species: Implications of Safari Tourism for Conservation of the Arctic Fox in Sweden' (2018) 23 *Human Dimensions of Wildlife* 257.

²⁶UNODC, 'United Nations Convention against Transnational Organized Crime and the Protocols Thereto' (15 November 2000).

²⁷International Union for Conservation of Nature (IUCN), 'Progress Towards a New International Agreement to Combat Trafficking in Wildlife' (IUCN, 16 August 2022); Commission on Crime Prevention and Criminal Justice 'Angola, Ghana, Honduras, Kenya, Malawi and Peru: Draft Resolution, Strengthening the International Legal Framework for International Cooperation to Prevent and Combat Illicit Trafficking in Wildlife' UN Doc E/CN.15/2022/L.2 (14 April 2022).

²⁸UNCAC Coalition, 'Environmental Crime and Corruption' <<https://uncaccoalition.org/get-involved/working-groups/environmental-crime-and-corruption/>>.

2003.²⁹ UNCAC has a special working group focused on environmental crime and corruption. It recognises that corruption is an integral component of cross-border IWT and that as such steps must be taken against it. Together, CITES, UNTOC and UNCAC make up the general international legal framework on wildlife crime.³⁰

Well-designed and enforced policies can mitigate the harms of IWT. However, the existing international legal framework and domestic measures do not effectively address IWT.³¹ The incentives to disengage from IWT are insufficient.³² Legislation, implementation and international cooperation seldom prioritise IWT.

In the international arena where decisions on species trade bans are made, the focus is on the observed or projected loss of species, rather than on incorporating socioeconomic considerations.³³ This focus emphasises the biological status and conservation needs of species, aiming to regulate international trade to prevent further endangerment. While this approach ensures decisions are grounded in objective scientific criteria, it overlooks the potential impacts on local communities that might depend on the use or trade of these species for their livelihoods.³⁴ This omission raises questions about the effectiveness of conservation efforts, as it disregards the complex human dimensions intertwined with environmental preservation.³⁵

Domestic law enforcement agencies are not necessarily aware of the harm IWT causes. The legal framework is mostly focused on criminalisation and prohibition; alternative solutions such as reducing global demand and strengthening sustainable livelihood programmes are rarely supported.³⁶ We contend, however, that the current approach is flawed. Not only does IWT affect the environment, but as we outline in this article, it also impacts human rights. The general legal framework against IWT therefore needs to be rethought.

In this article, we propose a human rights approach to address IWT. In 2013, the CITES Secretariat highlighted the weakness of the current approach to wildlife trade policies and recommended addressing IWT from the perspective of human rights. It stated: ‘The sustainable livelihoods approach does not capture well social aspects such as power relations, village politics, etc., but a “rights-based” approach (e.g., which looks at property rights and relevant human rights) might be useful in such cases.’³⁷ Yet, despite this observation, and ample

research on the ecological and economic impacts of IWT, the links between IWT and international human rights law remain underexplored in the literature. In this article, we substantiate those links, and propose a human rights approach to address IWT. We aim to answer the following research question: how can adopting a human rights approach improve the international legal framework and domestic measures against IWT?

To address this question using examples from multiple jurisdictions, we highlight in Section 2 how the failure to properly address IWT affects human rights. Section 3 explains how the links between IWT and human rights are reflected in key documents from institutions battling IWT. Section 4 shows how these links are addressed in the work of the UN Office of the High Commissioner for Human Rights (UN OHCHR) and annual reports from leading human rights nongovernmental organisations (NGOs). Sections 3 and 4 conclude that, on the whole, those links are not articulated clearly. Building on these findings, Section 5 envisions how adopting a human rights perspective to IWT could more effectively address its root causes, and discusses some of the limitations to this approach. Section 6 concludes.

2 | THE IMPACT OF IWT ON HUMAN RIGHTS

IWT has a devastating impact on economies, communities, and ecosystems.³⁸ By undermining legal economies and fueling corruption, IWT threatens the Sustainable Development Goals, which aim to harmonise economic growth with environmental preservation and social equity.³⁹ Efforts to curb IWT are therefore not only about saving animals and plants but also about promoting sustainable livelihoods, protecting ecosystems and ensuring natural resources are managed in a way that benefits present and future generations. Thus, the global response to IWT should seek to protect biodiversity, uphold the welfare of non-human species and foster a sustainable and equitable future for all. But has this response been effective?

In this section, we focus on how governments fail to properly design and implement IWT laws, and on the human rights impacts of their shortcomings. We enumerate the violations of core human rights instruments, namely the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) resulting from both design and malimplementation of IWT laws. Those rights include the right to a clean, healthy and sustainable environment; the right to be free from forced labour; the right not to be displaced; the right to an adequate standard of living; and due process and the right to life.

²⁹UNCAC Coalition, ‘About the UNCAC’ <<https://uncaccoalition.org/the-uncac/about-the-uncac/>>.

³⁰Organisation for Economic Co-operation and Development (OECD), ‘The Illegal Wildlife Trade in Southeast Asia: Institutional Capacities in Indonesia, Singapore, Thailand and Viet Nam’ (OECD Publishing 2019).

³¹European Commission, ‘Questions and Answers on the EU Action Plan Against Wildlife Trafficking’ (26 February 2016) <https://ec.europa.eu/commission/presscorner/detail/el/MEMO_16_388>; OECD (n 30).

³²S Pires and W Moreto, ‘Preventing Wildlife Crimes: Solutions that Can Overcome the “Tragedy of the Commons”’ (2011) 17 *European Journal on Criminal Policy and Research* 101.

³³RI Orenstein et al, ‘Commentary: Think Before You Act: Improving the Conservation Outcomes of CITES Listing Decisions’ (2022) 10 *Frontiers in Ecology and Evolution*.

³⁴R Cooney et al, ‘Think Before You Act: Improving the Conservation Outcomes of CITES Listing Decisions’ (2021) 9 *Frontiers in Ecology and Evolution*.

³⁵MJ Manfredo et al, ‘Bringing Social Values to Wildlife Conservation Decisions’ (2021) 19 *Frontiers in Ecology and the Environment* 355.

³⁶F Masse et al, ‘Conservation and Crime Convergence? Situating the 2018 London Illegal Wildlife Trade Conference’ (2020) 27 *Journal of Political Ecology* 23.

³⁷CITES CoP16 Doc 20, *Wildlife Trade Policy Reviews* (2013) 28.

³⁸H Booth et al, ‘Saving Lives, Protecting Livelihoods, and Safeguarding Nature’ (2021) 9 *Frontiers in Ecology and Evolution* 639216.

³⁹CP Osorio, ‘Battling the Illegal Wildlife Trade Through Regulatory Finance: The Southeast Asian Context’ (2024) 5 *Journal of Academics Stand Against Poverty* 44.

2.1 | Failures in the design of IWT laws

The design of laws addressing IWT is crucial in determining their effectiveness, not just in principle but in practice. While implementation challenges often take centre stage in discussions on the shortcomings of these laws, their very design significantly contributes to their success or failure. Being the leading example of a legal framework dealing with IWT, much has been said about CITES,⁴⁰ commentaries that we mention briefly in this article. These design issues range from the scope and clarity of CITES to its adaptability and alignment with international and regional standards as well as local contexts.

One design issue is the tension between focusing on its mandate (species conservation) and addressing broader issues. Advocates argue that CITES is intentionally built to focus narrowly on the trade of endangered species.⁴¹ This approach ensures that its regulatory mechanisms are sharp and not diluted by too many considerations. This focus allows for clear, science-based criteria to guide decisions on the international trade of wildlife, aimed at preventing species from becoming endangered or extinct due to trade pressures. However, critics argue that while CITES' specificity is its strength, it also is a limitation. They argue the convention should evolve to address the complex realities of conservation, including socioeconomic factors, community impacts and broader environmental changes driving species decline.⁴² At present, however, CITES' focus remains narrow.

Another design flaw in some IWT laws, including many national laws that were adapted from the international conservation template provided by CITES, is their scope and their lack of specificity. Laws that are too broad or vague can be challenging to enforce, as they may not clearly define prohibited activities or the species they aim to protect. This leads to legal loopholes that traffickers exploit.⁴³ On the other hand, overly specific laws may fail to account for the dynamic nature of the wildlife trade, including emerging threats to new species or changing trade patterns.⁴⁴ This failure in design can be attributed to the inconsistent translation of international commitments into national laws. Some countries may adopt laws that are either less stringent than the international standards or fail to enforce them adequately.⁴⁵ This misalignment can create weak links in the global effort to combat IWT, making some regions hotspots for illegal trade. Effective design ensures that national legislation is not only in harmony with international standards but also robust enough to address local

challenges. It must strike a balance and provide clear, enforceable guidelines while being broad enough to adapt to new challenges.

The effectiveness of IWT laws is also influenced by the design of penalties for violations and incentives for compliance. Penalties that are too lenient may not deter illegal activities, while overly harsh penalties can be unjust, particularly for marginalised communities or individuals who may turn to wildlife trade out of economic necessity.⁴⁶ Similarly, the design of incentives for conservation and sustainable use practices can encourage compliance and support local livelihoods. A balanced approach to penalties and incentives, tailored to the socio-economic context, can make laws more effective and equitable. At the same time, not all activities categorised under the umbrella of IWT are driven by intentions to bypass laws designed explicitly for the conservation and protection of species. Individuals or entities may engage in the IWT not with the primary aim of exploiting endangered species, but rather to circumvent the bureaucratic hurdles, regulatory requirements and financial obligations imposed by legitimate trade channels.⁴⁷ This includes avoiding taxes, fees and the costs associated with legal compliance, such as obtaining the necessary permits, undergoing inspections and adhering to sustainable harvest quotas. For example, the trade in commonly found timber species might be conducted illegally not because of the species' conservation status but to escape the costs and delays of legal trade procedures.⁴⁸ Such practices, while not directly targeting protected species, undermine conservation efforts by fostering a general culture of non-compliance and weakening the regulatory frameworks intended to manage and sustainably use natural resources. This dimension of IWT highlights the need for regulatory systems that balance effective oversight with efficiency and fairness, designing incentives and penalties to ensure that compliance is both feasible and attractive.

Yet another consideration is how current wildlife trade laws perpetuate existing inequalities. Evidence indicates that, frequently, only a limited portion of the economic gains from the commercial trade in wildlife benefits the poorest local communities,⁴⁹ especially considering that rich importers have a larger economic advantage than poor exporting territories.⁵⁰ However, it is these very beneficiaries, along with other marginalised groups,⁵¹ who are most likely to shoulder the heaviest economic burdens. With this in mind, effective IWT laws

⁴⁰R Sollund, 'Wildlife Trade and Law Enforcement: A Proposal for a Remodeling of CITES Incorporating Species Justice, Ecojustice, and Environmental Justice' (2022) 66 *International Journal of Offender Therapy and Comparative Criminology* 1017; Fukushima et al (n 20); Duffy (n 1).

⁴¹Orenstein et al (n 33).

⁴²R Cooney et al, 'Response: Commentary: Think Before You Act: Improving the Conservation Outcomes of CITES Listing Decisions' (2022) 10 *Frontiers in Ecology and Evolution*.

⁴³M Nožina, 'The Fate and Future of the Wildlife Trade Regulatory Regimes: The Case of CITES and Rhino Horn Trafficking' in N Hynek et al (eds), *Regulating Global Security: Insights from Conventional and Unconventional Regimes* (Springer 2019) 245.

⁴⁴RL Jacobs and BW Baker, 'The Species Dilemma and Its Potential Impact on Enforcing Wildlife Trade Laws' (2018) 27 *Evolutionary Anthropology* 261.

⁴⁵T Wyatt, *Is CITES Protecting Wildlife? Assessing Implementation and Compliance* (Routledge 2021).

⁴⁶CW Schmidt, 'Environmental Crimes: Profiting at Earth's Expense.' (2004)

112 *Environmental Health Perspectives* A96; A Brisman and N South, 'Environment, Conflict and Profit: Harmful Resource Exploitation and Questionable Revenue Generation' in T Spapens et al (eds), *Green Crimes and Dirty Money* (Routledge 2018) 19; EJ Milner-Gulland and N Leader-Williams, 'A Model of Incentives for the Illegal Exploitation of Black Rhinos and Elephants: Poaching Pays in Luangwa Valley, Zambia' (1992) 29 *Journal of Applied Ecology* 388.

⁴⁷M Polner, 'Customs and Illegal Trade: Old Game - New Rules' (2015) 30 *Journal of Borderlands Studies* 329.

⁴⁸M Richards et al, 'Impacts of Illegality and Barriers to Legality: A Diagnostic Analysis of Illegal Logging in Honduras and Nicaragua' (2003) 5 *International Forestry Review* 282.

⁴⁹JE Robinson et al, 'Wildlife Supply Chains in Madagascar from Local Collection to Global Export' (2018) 226 *Biological Conservation* 144; For a different viewpoint, see also H Ntuli and E Muchapondwa, 'Effects of Wildlife Resources on Community Welfare in Southern Africa' (2017) 131 *Ecological Economics* 572.

⁵⁰JH Liew et al, 'International Socioeconomic Inequality Drives Trade Patterns in the Global Wildlife Market' (2021) 7 *Science Advances* eabf7679.

⁵¹UN Environment Programme (UNEP) and International Livestock Research Institute, 'Preventing the Next Pandemic: Zoonotic Diseases and How to Break the Chain of Transmission' (UNEP 2020).

should be designed based on both the best available scientific evidence and traditional knowledge. Laws often fail to adapt to the latest scientific findings regarding species' conservation status, ecological roles, or the impact of trade on wildlife populations.⁵² Similarly, overlooking traditional knowledge and practices can alienate indigenous and local communities whose cooperation is essential for the laws' success.⁵³ A law designed to be adaptive and inclusive of various knowledge systems is more likely to be effective, sustainable and equitable.⁵⁴ The design of IWT laws often neglects the need for coordination across different sectors, such as wildlife conservation, customs, justice and rural development. IWT is a multifaceted issue that intersects with various areas, including economic development, social justice and environmental sustainability. Laws that are designed in silos, without considering these intersections, may be difficult to implement effectively. Ensuring that IWT laws are designed with mechanisms for intersectoral coordination can enhance enforcement and compliance.

In sum, the design of laws to combat IWT is crucial. How they are designed will affect how they will be implemented, with impacts on conservation, sustainable development and the enjoyment of human rights. Addressing these design issues requires a holistic understanding of the complexities of IWT and a commitment to continuous evaluation and adaptation of legal frameworks. In the next subsection, we show how poor implementation affects human rights.

2.2 | Failure in the implementation of IWT laws

The failure of governments and international organisations to properly implement even the best-designed IWT laws can affect human rights. Foremost among these rights is the right to a clean, healthy and sustainable environment. This right is embedded in the constitutions of many countries, and was recognised in a UN General Assembly resolution in July 2022.⁵⁵ It contains substantive requirements, including clean air and water; food safety and security; non-toxic environments and safe climate; and healthy ecosystem biodiversity.⁵⁶ A wealth of literature shows how IWT affects biodiversity.⁵⁷ It contributes to the depletion of wildlife populations, disrupting ecosystems and food chains, and impacts the delicate balance of nature. This loss of biodiversity undermines the health and stability of ecosystems, affecting the overall quality of the environment and the services it provides.

⁵²F Watters et al, 'The Demand for Wildlife Not Protected by the CITES Multilateral Treaty' (bioRxiv, 4 March 2022).

⁵³ER Stern and MM Humphries, 'Interweaving Local, Expert, and Indigenous Knowledge into Quantitative Wildlife Analyses: A Systematic Review' (2022) 266 *Biological Conservation* 109444.

⁵⁴AN Kadykalo, SJ Cooke and N Young, 'The Role of Western-Based Scientific, Indigenous and Local Knowledge in Wildlife Management and Conservation' (2021) 3 *People and Nature* 610; CN Service et al, 'Indigenous Knowledge and Science Unite to Reveal Spatial and Temporal Dimensions of Distributional Shift in Wildlife of Conservation Concern' (2014) 9 *PLOS One* e101595.

⁵⁵UNGA 'The Human Right to a Clean, Healthy and Sustainable Environment' UN Doc A/RES/76/300 (28 July 2022).

⁵⁶I Andersen, 'UN Recognition of the Right to a Healthy Environment' (UNEP, 8 October 2021) <<http://www.unep.org/news-and-stories/statements/statement-inger-andersen-un-recognition-right-healthy-environment>>.

⁵⁷Mozer and Prost (n 5).

Additionally, IWT can increase the risk of zoonotic infectious diseases, which poses grave danger to public health, as exhibited by the COVID-19 pandemic.⁵⁸ Thus, it is clear that the failure to properly implement IWT laws can lead to environmental degradation and affect the right to a clean, healthy and sustainable environment.

IWT can also be linked to violations of the ICCPR,⁵⁹ for example Article 8 prohibiting slavery and forced servitude.⁶⁰ Forced and bonded labour have long been associated with IWT.⁶¹ In many instances, individuals are coerced into becoming IWT perpetrators to pay off debts. Wildlife traffickers target vulnerable people in developing countries to do their dirty work.⁶² Women are often targeted, and illicit natural resource exploitation has also been linked to gender-based violence.⁶³ Indigenous peoples and those living in poverty are especially vulnerable to IWT-related labour that is not freely undertaken, as seen for example in Nepal⁶⁴ and Central Africa.⁶⁵ In these instances, individuals with limited financial means engage in IWT, and are employed by more affluent economic actors catering to wildlife demand.⁶⁶ In the case of the Philippine pangolins, specialist smugglers receive advance payment from vendors, a portion of which is distributed to logisticians. These logisticians, in turn, compensate local harvesters either with cash or items in exchange for their services. Harvesters have described this financial arrangement as a means of obtaining immediate funds for desired items like motorbikes. However, they can become indebted and are then obliged to provide wildlife species through compulsory labour as a means of repaying the incurred costs.⁶⁷

IWT can also be linked to violations of the right to an adequate standard of living (Article 11 ICESCR).⁶⁸ Illicit trade in endangered plants and animals often occurs in regions inhabited by indigenous and local communities who depend on wildlife and natural resources for their livelihoods and sustenance.⁶⁹ When wildlife populations are depleted due to poaching and illegal trade, traditional ways of living and sources of income for these communities may become disrupted, thus undermining their right to an adequate standard of living. In particular, IWT can contribute to violations of the right to food, as one component of the right to an adequate standard of living, by depleting

⁵⁸Rush et al (n 15).

⁵⁹International Covenant on Civil and Political Rights 1966 (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

⁶⁰*Ibid* art 8.

⁶¹M Anagnostou and B Doberstein, 'Illegal Wildlife Trade and Other Organised Crime: A Scoping Review' (2022) 51 *Ambio* 1615.

⁶²D Araujo et al, 'Illegal Markets and Contemporary Slavery: Evidence from the Mahogany Trade in the Amazon' (2024) 166 *Journal of Development Economics* 103177.

⁶³J Seager et al, 'Gender and Illegal Wildlife Trade: Overlooked and Underestimated' (2021) 55 *Oryx* 653.

⁶⁴K Paudel et al, 'Conservation Enforcement: Insights from People Incarcerated for Wildlife Crimes in Nepal' (2020) 2 *Conservation Science and Practice* e137.

⁶⁵D Stiles, 'Elephant Meat Trade in Central Africa' (IUCN 2011).

⁶⁶D Roe et al, 'The Elephant in the Room: Sustainable Use in the Illegal Wildlife Trade Debate' (International Institute for Environment and Development 2014).

⁶⁷LJ Archer et al, 'Digging Deeper: Understanding the Illegal Trade and Local Use of Pangolins in Palawan Province, Philippines' (2021) 2 *Frontiers in Conservation Science* 746366.

⁶⁸International Covenant on Economic, Social and Cultural Rights 1966 (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 11.

⁶⁹A Cung, 'Wild Life, Wild Livelihoods: Involving Communities in Sustainable Wildlife Management and Combating Illegal Wildlife Trade' (Convention on Biological Diversity 2017).

wildlife resources that are essential sources of nutrition. Additionally, when endangered or protected species are illegally hunted or traded, local ecosystems can be disrupted.⁷⁰ This can undermine the sustainable economic development of communities, which are vital for their overall well-being and ability to sustain their livelihoods.

Underserved rural communities in developing countries bear the brunt of the detrimental impacts caused by the rapid decline in biodiversity. These communities rely on industries such as agriculture, fisheries and forestry, which depend on the ecological functions and services provided by biodiversity.⁷¹ Other industries affected include travel and tourism, food production and the life sciences industry. Instead of supporting local economies through legal and regulated wildlife conservation and tourism, illegal trade channels divert profits to criminal networks.⁷² The illicit profits generated through money laundering from IWT serve as additional funds for organised criminal activities, contributing to increased corruption and leading to human rights abuses within local and indigenous communities.⁷³ Local communities are deprived of sustainable economic opportunities, which can hinder their ability to improve their standard of living.⁷⁴

Human rights violations can also occur due to overzealous and improper enforcement of IWT laws. Existing trade restrictions, such as those imposed by international conventions like CITES, can sometimes undermine anti-IWT efforts by limiting the ability of communities to legally trade in wildlife products, even when such trade could be sustainable and beneficial for conservation.⁷⁵ This can lead to a situation where communities are either excluded from the benefits derived from their local wildlife or are pushed towards illegal trade channels as the only viable economic option. Such restrictions not only constitute a form of human rights violation by denying communities the right to sustainable development and self-determination but also potentially undermine the conservation goals they aim to achieve. By ignoring the capabilities and interests of local communities in managing and benefiting from their natural resources, these trade restrictions can fuel resentment, encourage non-compliance, and ultimately lead to increased poaching and illegal trade, rather than fostering a collaborative approach to conservation.⁷⁶

The use of criminal law and green militarisation to support conservation law and address poaching can also lead to human rights violations.⁷⁷ With the advent of organised crime in IWT, and in

response to the rising militarisation of poaching activities and their perceived connections to terrorism and State security, law enforcement efforts have become increasingly militarised as well.⁷⁸ This comes with punitive and lethal measures against individuals suspected of engaging in poaching.⁷⁹ The militarisation of conservation efforts can lead to human rights violations and impede economic growth in regions affected by conflict.⁸⁰ Shoot-on-sight policies to conserve elephant and rhinoceros populations, such as in Kaziranga, India⁸¹ and Botswana,⁸² lead to extra-judicial killings that cannot be justified under Article 6 of the ICCPR⁸³ protecting the right to life. Law enforcement and park guards are provided with automatic assault weapons and monetarily incentivised for every suspect killed.⁸⁴

Invoking eminent domain for purposes of conservation⁸⁵ can also affect the right not to be displaced. This right, also known as the right to remain in one's home or place of habitual residence, protects individuals and communities from being forcibly displaced from their homes or lands. It encompasses the principle that people should not be uprooted against their will and should be able to live in their chosen location, enjoying security, stability and access to their cultural, social, and economic resources.⁸⁶ While not explicitly recognised in international legal instruments, this right derives from the combination of other existing rights, namely the right to life, liberty and security of person;⁸⁷ the right to freedom of movement and choice of residence within borders;⁸⁸ the right to own property;⁸⁹ and the right to an adequate standard of living.⁹⁰ Collectively these provisions protect individuals from arbitrary displacement.

Many communities, including indigenous populations, have been displaced from wildlife conservation lands. Forced migration to preserve wildlife welfare is a complex and contentious issue, as it involves balancing the well-being of wildlife with the rights and needs of human populations. There have been instances where human communities have been relocated or displaced to protect endangered species or their habitats. One classic example is the forced removal of Native American peoples from National Parks in the United States, in

⁷⁰US Environmental Protection Agency, 'EnviroAtlas Benefit Category: Biodiversity Conservation' (24 April 2015) <<https://www.epa.gov/enviroatlas/enviroatlas-benefit-category-biodiversity-conservation>>.

⁷¹MH Khan, 'Rural Poverty in Developing Countries: Implications for Public Policy' (IMF 2001).

⁷²Duffy (n 1) 109.

⁷³UNODC, 'Wildlife, Forest & Fisheries Crime Module 1 Key Issues: Implications of Wildlife Trafficking' (UNODC, 2019) <<https://www.unodc.org/e4j/en/wildlife-crime/module-1/key-issues/implications-of-wildlife-trafficking.html>>.

⁷⁴World Bank (n 14).

⁷⁵Further empirical evidence for this, however, is needed. See A Hughes et al, 'Determining the Sustainability of Legal Wildlife Trade' (2023) 341 *Journal of Environmental Management* 117987; O Wilson-Holt and D Roe, 'Community-Based Approaches to Tackling Illegal Wildlife Trade—What Works and How Is It Measured?' (2021) 2 *Frontiers in Conservation Science*.

⁷⁶R Cooney et al, 'From Poachers to Protectors: Engaging Local Communities in Solutions to Illegal Wildlife Trade' (2017) 10 *Conservation Letters* 367.

⁷⁷*ibid.*

⁷⁸*ibid.*

⁷⁹*ibid.*

⁸⁰E Lunstrum, 'The Illegal Wildlife Trade-Green Militarization Nexus Provokes Unsustainable Environmental Conflict' (*Georgetown Journal of International Affairs*, 9 January 2023).

⁸¹B Vira, 'Kaziranga's Ruthless Rangers Have Reduced Rhino Poaching by Simply Gunning down Poachers at Sight' (*Quartz*, 13 February 2017) <<https://qz.com/india/908867/kaziranga-ruthless-rangers-have-reduced-rhino-poaching-by-simply-gunning-down-poachers-at-sight/>>.

⁸²GE Mogomotsi and PK Madigele, 'Botswana's "shoot-to-Kill" Policy as an Anti-Poaching Strategy' (2017) 60 *South African Crime Quarterly* 51.

⁸³CCPR (n 59) art 6.

⁸⁴L Evans, 'India's "Shoot on Sight" Conservation Terrorises Indigenous Communities' (*The Ecologist*, 20 April 2016) <<https://theecologist.org/2016/apr/20/indias-shoot-sight-conservation-terrorises-indigenous-communities>>.

⁸⁵WE Rychman Jr., 'Eminent Domain—Conservation—Evidence Necessary to Determine if a Regulation Restricting the Use of Property is Invalid as a Taking Without Compensation' (1966) 6 *Natural Resources Journal* 8.

⁸⁶M Stavropoulou, 'The Right Not to Be Displaced' (1994) 9 *American University International Law Review* 689.

⁸⁷CCPR (n 59); UNGA 'Universal Declaration of Human Rights' UN Doc A/RES/217(III) (10 December 1948) (UDHR) art 3.

⁸⁸CCPR (n 59) art 12; UDHR (n 87) art 13.

⁸⁹UDHR (n 87) art 17(2).

⁹⁰*ibid* art 25; ICESCR (n 68) 11.

the name of environmental conservation.⁹¹ Other examples include the indigenous peoples from Komodo National Park in Indonesia,⁹² Mozambique's Limpopo National Park,⁹³ as well as other parts of southern and eastern Africa.⁹⁴ In some cases, these heavy-handed conservation strategies are counterproductive, and can lead to retaliatory behaviour by the community by increasing their wildlife-poaching activities.⁹⁵

Together with the governmental failure to implement IWT laws properly, such overzealous implementation of IWT laws can be detrimental to the most vulnerable, and lead to violations of human rights, as highlighted throughout this section. Despite this clear link between IWT and human rights issues, we show in the next two sections that the work of relevant organisations do not sufficiently reflect this connection. Overall, the fight against IWT and the human rights agendas remain largely separate.

3 | HUMAN RIGHTS IN THE WORK OF INSTITUTIONS ADDRESSING IWT

Thus far, we have established the various interconnections between IWT and human rights. These links are acknowledged and discussed in the field of conservation studies, along with other social issues.⁹⁶ Yet the question remains: how, if at all, is the human rights perspective currently reflected in the work of international organisations directly addressing IWT? To answer this question, we conducted a keyword search of the legal texts, resolutions and reports of CITES, the UNODC and the ICCWC adopted between 2013 and 2022. We chose 2013 as the starting date based on the CITES Secretariat's recommendation to adopt a human rights approach to IWT policies, as mentioned in the introduction. Because articulating the links between IWT and human rights is a novel approach, we did not search only for the terms 'human rights' and 'rights'. We searched also for keywords that are related to the concept of human rights and may reflect a human rights-oriented approach to IWT. Those additional keywords were 'due process', 'rule of law', 'sustainable livelihoods', and 'social and economic development'. This section presents the results, which show that the human rights perspective is not reflected in the current IWT international legal framework.

TABLE 1 CITES COP agenda and working documents (2013–2022).

Agenda and working documents	Date	Total number of downloadable documents
COP 16	03–14 March 2013	151
COP 17	24 September to 4 October 2016	186
COP 18	17–28 August 2019	187
COP 19	14–5 November 2022	162

3.1 | CITES and human rights

The CITES Conference of the Parties (COP) is held every 3 years. During these meetings, member countries discuss and make decisions on issues related to the conservation and trade of endangered species. After each COP, they release various documents, including the meeting's resolutions and decisions, as well as reports on the status of species listed under CITES, and updates on the Convention's implementation. These documents provide guidance and information on international efforts to protect and sustainably manage endangered animals and plants (Table 1).

Released in 2013, the Wildlife Trade Policy Reviews highlighted that the sustainable livelihoods approach fails to capture social aspects such as village politics and power relations; however, a human rights-based approach does.⁹⁷ From 2013 to 2022, 686 CITES COP documents were released, but we note that this recommendation has not been followed.

Documents from COPs in the past decade show a dearth of references to human rights or related concepts.⁹⁸ The concept of human rights was only mentioned 13 times. The documents do not delve into how IWT affects human rights. Other documents only tangentially refer to human rights. For example, the report on administrative and financial matters⁹⁹ mentions increasing support for the rule of law. Similarly, the CITES report on livelihood¹⁰⁰ recognises IWT's impacts on the sources of income for the poor. The CITES Strategic Vision: 2021–2030¹⁰¹ emphasises sustainable development, as well as briefly references indigenous peoples and local communities. This document emphasises environmental protection, but provides little discussion on its human impacts. In many documents, the discussion centres on economic value, especially for underdeveloped communities, and the

⁹¹I Kantor, 'Ethnic Cleansing and America's Creation of National Parks' (2007) 28 Public Land & Resources Law Review 41.

⁹²HN Jong, 'Mapping of Indigenous Lands Ramps up in Indonesia – without Official Recognition' (Mongabay, 7 September 2022) <<https://news.mongabay.com/2022/09/mapping-of-indigenous-lands-ramps-up-in-indonesia-without-official-recognition/>>.

⁹³R Witter, 'Elephant-Induced Displacement and the Power of Choice: Moral Narratives about Resettlement in Mozambique's Limpopo National Park' (2013) 11 Conservation and Society 406.

⁹⁴M Rangarajan and G Shahabuddin, 'Displacement and Relocation from Protected Areas: Towards a Biological and Historical Synthesis' (2006) 4 Conservation and Society 359.

⁹⁵R Witter, 'Why Militarized Conservation May Be Counter-productive: Illegal Wildlife Hunting as Defiance' 28 Journal of Political Ecology 175.

⁹⁶P Kashwan et al, 'From Racialized Neocolonial Global Conservation to an Inclusive and Regenerative Conservation' (2021) 63 Environment 4.

⁹⁷CITES (n 37).

⁹⁸Examples of this institutional hand-waving include the proposal on transparency of voting, CITES CoP16 Doc 4.2 (Rev.1); strategic report on livelihoods and food security, CITES CoP17 Doc 17; establishment of the rural communities committee, CITES CoP17 Doc 13; World Wildlife Day, CITES CoP16 Doc 24 (Rev.1); the Action Plan on gender-related matters, CITES CoP19 Doc 25; report on the UN World Wildlife Day, CITES CoP19 Doc 18; strategic participatory mechanisms for rural communities, CITES CoP19 Doc 15; report on strategic matters regarding livelihood, CITES CoP19 Doc 14, and; compliance report on totoaba (*Totoaba macdonaldi*), CITES CoP19 Doc 29.2.1.

⁹⁹CITES CoP17 Doc 7.2 (Rev.1).

¹⁰⁰CITES CoP16 Doc 19 (Rev.1).

¹⁰¹CITES, CITES Strategic Vision: 2021–2030 <<https://cites.org/sites/default/files/reports/Implementation/E-SV-indicators.pdf>>.

TABLE 2 UNODC wildlife crime documents (2013–2022).

Document	No. of pages
UNODC Annual Report 2014	133
UNODC Annual Report 2015	132
UNODC Annual Report 2016	114
World Wildlife Crime Report 2016	101
UNODC Annual Report 2017	136
UNODC Annual Report 2018	146
Annual Report for Wildlife and Forest Crime 2019	25
Annual Report for Wildlife and Forest Crime 2020	37
World Wildlife Crime Report 2020	134
Annual Report for Wildlife and Forest Crime 2021	33
Global Programme on Environmental Crimes 2022	34
Crimes that Affect the Environment and Climate	35
Illegal Wildlife Trade and Climate Change	20

main text of the Convention highlights the ‘ever-growing ... aesthetic, scientific, cultural, recreational, and economic’ value of wildlife.¹⁰²

One exception to this institutional hand-waving towards human rights is the Participatory Mechanism for Rural Communities,¹⁰³ which emphasised that

States shall elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas.¹⁰⁴

The report on the working conditions of wildlife rangers and their implications for the implementation of CITES¹⁰⁵ also mentioned improving training on human rights considerations in how wildlife authorities interact with local communities. Many documents indicate that the human rights affected by IWT are related primarily to the ICESCR, whereas it is clear from the previous section that the harms of IWT are wider in scope.

3.2 | UNODC wildlife crime reports and human rights

We also looked at publicly available reports and records primarily focused on wildlife crime from the UNODC for the same period (Table 2). These wildlife crime reports provide data and analysis on IWT and related criminal activities. They aim to raise awareness, inform policies and facilitate international cooperation in combating wildlife crime.

The UNODC Annual Report 2014 defines IWT as illegal enterprises being committed by transnational organised crime. It recognises wildlife and forest crimes as ‘one of the largest transnational organised criminal activities’.¹⁰⁶ It emphasises the link between IWT and money laundering, corruption, murder, violence and terrorism. In the same paragraph, impacts on livelihoods and social and economic development are mentioned but without elaborating on other human rights affected by IWT. The same word patterns are seen in UNODC Annual Reports 2015, 2016 and 2017. The 2017 report focused on how IWT impacts the UN Sustainable Development Goals 14 (Life below Water) and 15 (Life on Land).¹⁰⁷ All of these reports sought to strengthen national regulatory capacity of UN member States against IWT, but the connection with human rights standards was not explicitly made.

In the 2015 statement on World Wildlife Day as documented by the UNODC, then-UN Secretary-General Ban Ki-moon articulated the harms of wildlife crimes better, expanding its reach to beyond socio-economic harms:

Illegal wildlife trade undermines the rule of law and threatens national security; it degrades ecosystems and is a major obstacle to the efforts of rural communities and indigenous peoples striving to sustainably manage their natural resources. Combating this crime is not only essential for conservation efforts and sustainable development, it will contribute to achieving peace and security in troubled regions where conflicts are fuelled by these illegal activities.¹⁰⁸

Although this statement addresses the rule of law and mentions the impacts of IWT, human rights are not mentioned. Similarly, the annual reports of the Global Programme for Combating Wildlife and Forest Crime from 2019, 2020 and 2022 contained no references to human rights. Only the 2021 report mentioned human rights abuses, but only in relation to illegal mining and trafficking in precious metals, not to IWT.¹⁰⁹ Regarding the World Wildlife Crime Report, only the 2016 version referred to an addendum of the Special Rapporteur on the situation of human rights in Cambodia in relation to illegal logging, but it did not expound on the interconnection between the two.

Regarding the supplementary documents available on the UNODC website related to wildlife, the joint report of UNODC and the World Wildlife Fund highlights that ‘for criminal justice systems to combat these [environmental] crimes effectively, the link between gender inequalities, human rights and climate change needs to be addressed’.¹¹⁰ However, the report focused on how illegal mining and the trafficking of timber impact human rights; in the section on wildlife trafficking, it only emphasised improved law enforcement response, livelihood interventions, and demand reduction to improve biodiversity,

¹⁰⁶UNODC, ‘Annual Report 2016’ (UNODC 2017) 38.

¹⁰⁷UNODC, ‘Annual Report 2017’ (UNODC 2018) 44–46.

¹⁰⁸UNODC, ‘Annual Report 2015’ (UNODC 2016) 47.

¹⁰⁹UNODC Global Programme for Combating Wildlife and Forest Crime, ‘Annual Report 2021’ (UNODC 2022) 7.

¹¹⁰WWF and UNODC, ‘Crimes that Affect the Environment and Climate Change’ (WWF and UNODC 2022).

¹⁰²CITES (n 18) preamble.

¹⁰³CITES CoP18 Doc 17.3, Participatory Mechanisms for Rural Communities (2019).

¹⁰⁴ibid section 11 art 2(4).

¹⁰⁵CITES CoP18 Doc 37, Working Conditions of Wildlife Rangers and their Implications for Implementation of CITES (2019).

TABLE 3 ICCWC reports (2013–2022).

Document	No. of pages
ICCWC Annual Report 2020	26
ICCWC Biannual Report 2021–2022	21
ICCWC Vision 2030	28
Wildlife and Forest Crime Indicator Framework	84
Wildlife and Forest Crime Analytic Toolkit	288

without reference to human rights. Similarly, the report on ‘Illegal Wildlife Trade and Climate Change’ did not mention human rights.¹¹¹

3.3 | ICCWC documents and human rights

When it comes to the reports of the ICCWC, we analysed the following documents (Table 3).

Only one of the three recent ICCWC documents mentions human rights, but only as an enumeration of the UNODC’s mandates.¹¹² No direct links with human rights were made in any of the three documents, as the focus was on strengthening regulatory processes. The 2022 ICCWC Indicator Framework for Combating Wildlife and Forest Crime does not mention human rights either.¹¹³

The ICCWC Analytic Toolkit, however, does link human rights with IWT. It mentions ‘human rights’ 47 times in the 288-page document, even mentioning the UDHR and the ICCPR. It first referred to the 2021 UNGA Resolution on the right to a clean, healthy and sustainable environment, considering human development and human rights as an additional dimension in the fight against wildlife and forest crime.¹¹⁴ The Toolkit also advocates for improving the IWT legal framework and enforcement, and emphasises how harms could be further exacerbated if human rights considerations are not properly implemented during enforcement.¹¹⁵ In the Toolkit’s assessment sections, human rights form an essential component of the entire process, seeking to ensure, among others, that law enforcement agencies are properly trained and that due process is followed.

4 | IWT IN THE WORK OF HUMAN RIGHTS ORGANISATIONS

To further explore the links between IWT and human rights, we also analysed annual reports from the UN OHCHR, Amnesty International, and Human Rights Watch in the same time frame, using the terms ‘wildlife crime’, ‘illegal wildlife trade’, ‘illicit wildlife trade’ and ‘wildlife’

as key search terms. Below we present the results of our keyword search.

4.1 | UN human rights reports and wildlife

To see whether wildlife has been mentioned in conjunction with human rights, we searched the annual reports of the UN OHCHR, the UN entity responsible for promoting and protecting human rights. The UN OHCHR advocates for human rights, provides assistance to countries for implementing human rights standards, and monitors and documents human rights abuses worldwide. UN OHCHR reports offer comprehensive and credible assessments of the human rights situation in all countries, shedding light on violations, discrimination and injustices. These reports are valuable tools for governments, civil society organisations, and other actors to identify areas of concern, develop targeted interventions and hold violators accountable.

We find that the majority of annual UN OHCHR reports fails to recognise the intersections between IWT and human rights. To paint a clearer picture, we also looked at whether the top illegal trades are mentioned, as outlined in Table 4 below.

From 2013 to 2022, wildlife is only mentioned once. This mention does not even relate to IWT; it concerns the role of members of the Kenya Wildlife Service, as deputised law enforcement officers, in relation to elections. By contrast, the other types of illegal transnational trade are discussed as human rights concerns, with human trafficking taking the lead, followed by arms smuggling and drug trafficking. As an institution focusing on human rights, the OHCHR’s focus on human trafficking is natural. However, it is interesting that they talk about drugs and weapons relatively frequently but ignore IWT.

4.2 | Human rights reports from NGOs and wildlife

IWT as a human rights concern only emerged relatively recently in the work of two leading human rights NGOs, Human Rights Watch and Amnesty International. These NGOs are regarded as the leading human rights organisations globally due to their extensive and consistent efforts to monitor, document and report on human rights abuses worldwide. We regard their reports, characterised by their independence from State influence and thorough research, to be reflective of the direction of global human rights policy and legislation.¹¹⁶ We covered their annual reports for 2013 to 2022.

Prior to 2021, no substantial mention of wildlife was made in the reports of Human Rights Watch.¹¹⁷ Starting that year, however, two themes at the intersection of IWT prevention and human rights emerged: forced evictions and harassment of environmental activists.

¹¹¹UNODC, ‘Illegal Wildlife Trade and Climate Change’ (UNODC 2022) <https://www.unodc.org/documents/data-and-analysis/wildlife/illegal_wildlife_trade_and_climate_change_2022.pdf>.

¹¹²International Consortium on Combating Wildlife Crime (ICCWC), ‘ICCWC Vision 2030’ (ICCWC 2022).

¹¹³ICCWC, ‘Indicator Framework for Combating Wildlife and Forest Crime’ (ICCWC 2022).

¹¹⁴UNGA ‘The Human Right to a Clean, Healthy and Sustainable Environment’ UN Doc A/HRC/RES/48/13 (8 October 2021).

¹¹⁵ICCWC, *Wildlife and Forest Crime Analytic Toolkit* (2nd edn, UNODC and ICCWC 2022) 15.

¹¹⁶We look at the reports of human rights NGOs and not conservation NGOs in the previous section because our study focuses on human rights law and therefore we looked at organisations which clearly operate under the international human rights law framework and their connection with the illicit trade in wildlife.

¹¹⁷There was a report of land activist Sum Moeun being detained at the Kulen Promtep Wildlife Sanctuary Headquarters, but this is tangential to IWT in relation to human rights; Human Rights Watch, ‘World Report 2020’ (Seven Stories Press 2020).

TABLE 4 UNOHCHR reports mentioning human rights (2013–2022).

UN OHCHR report	Area of human rights concern			
	Wildlife	Drugs	Human trafficking	Weapons
2013	No	No	Yes	Yes
2014	No	No	Yes	Yes
2015	No	No	Yes	No
2016	No	Yes	Yes	No
2017	No	No	Yes	No
2018	No	Yes	Yes	No
2019	No	Yes	Yes	Yes
2020	No	Yes	Yes	Yes
2021	No	Yes	Yes	Yes
2022	Yes	Yes	Yes	Yes

One example of forced displacement was in Kenya, resulting in the death of at least nine people, two of them infants, with the supporting authority of the Kenya Wildlife Service.¹¹⁸ Authorities have also reportedly evicted Apaa residents by force in Northern Uganda, based on claims that it was a forestry and wildlife reserve. It left several people dead or injured, and at least 200 houses burned.¹¹⁹ In Iran, allegations of torture and lack of due process against members of the Persian Wildlife Heritage Foundation were also raised.¹²⁰

Amnesty International reports in the same period follow a similar trend. Interconnections between wildlife and human rights emerged in their 2019 report. It mentions the Persian Wildlife Heritage Foundation¹²¹ as well as the Apaa incident.¹²² Another case of forced eviction is documented: one by the Ugandan Wildlife Authority, affecting the Maragoli indigenous peoples.¹²³ In India, two million families were evicted after the Supreme Court decreed their removal from forest lands, on petition from wildlife activists.¹²⁴ In an incident involving the Kenya Wildlife Service, Kenyan police forces opened fire on protesters who were demonstrating against the inaction of the government body after a 27-year-old teacher was trampled by an elephant.¹²⁵ Interestingly, the 2021 and 2022 reports mention wildlife a total of eight and nine times, respectively. This may indicate increasing attention to the intersection of IWT and human rights coming from one of the leading human rights organisations in the world.

5 | APPLYING A HUMAN RIGHTS APPROACH TO IWT

CITES and related laws are at the forefront of efforts to regulate and mitigate the negative impacts of the trade of endangered species

around the globe. However, the success of the international legal framework against IWT is mixed, varying by species and jurisdiction.¹²⁶ On the one hand, CITES has made significant strides in raising awareness, establishing a global framework for wildlife trade, and fostering international cooperation. It has succeeded in regulating trade for certain species, contributing to the recovery or stabilisation of populations such as the vicuña (*Vicugna vicugna*).¹²⁷ However, the effectiveness of CITES and related IWT laws is limited by challenges including improper legal design, insufficient enforcement due to lack of resources, and persistent demand in illegal markets.¹²⁸ Even the benefits from regulating trade in species can take 10 to 20 years to materialise, and even then, only in countries with good compliance capacities and mechanisms.¹²⁹

The gap between the intended goals of CITES and IWT laws and their outcomes can be attributed to several factors, including improper legal design, as well as enforcement challenges like insufficient resources, corruption and lack of political will.¹³⁰ Clearly, international law's impact on the domestic sphere is limited, especially if the aforementioned factors are not addressed.¹³¹ Adapting domestic laws to their specific contexts is necessary, instead of a one-size-fits-all approach.¹³²

As we have earlier shown, this gap relates to human rights in several ways. In Section 2, we outlined the rights most saliently affected by IWT. In Sections 3 and 4, we established that the connection between IWT and human rights remains poorly articulated both in the work of institutions addressing IWT and of key human rights

¹¹⁸ibid, 393.

¹¹⁹Human Rights Watch, 'World Report 2023' (Seven Stories Press 2023) 627.

¹²⁰ibid 308.

¹²¹Amnesty International, 'Middle East and North Africa: Review of 2019' (2020).

¹²²Amnesty International, 'Africa: Review of 2019' (2020).

¹²³Amnesty International, 'Report 2020/21' (2021).

¹²⁴Amnesty International, 'Report 2019/20' (2020).

¹²⁵Amnesty International, 'Report 2022/23' (2023).

¹²⁶O Morton et al, 'Mixed Protection of Threatened Species Traded under CITES' (2022) 32 Current Biology 999.

¹²⁷MC Castilla et al, 'The Development of Public Policies for the Sustainable Governance of Vicugna Vicugna' (2024) 12 Territory, Politics, Governance 171.

¹²⁸Fukushima et al (n 20).

¹²⁹B Heid and L Márquez-Ramos, 'International Environmental Agreements and Imperfect Enforcement: Evidence from CITES' (2023) 118 Journal of Environmental Economics and Management 102784.

¹³⁰M 't Sas-Rolfes et al, 'Illegal Wildlife Trade: Scale, Processes, and Governance' (2019) 44 Annual Review of Environment and Resources 201.

¹³¹G Wandesforde-Smith, 'Looking for Law in All the Wrong Places? Dying Elephants, Evolving Treaties, and Empty Threats' (2016) 19 Journal of International Wildlife Law and Policy 365.

¹³²Fukushima et al (n 20).

organisations. Our findings show that although IWT has considerable negative social repercussions, its connection with, and impact on, human rights remains under-examined. But why is a human rights approach to IWT important? In this section, we address our main research question: how can integrating a human rights perspective improve the international legal framework and domestic measures against IWT?

In the 2013 Wildlife Trade Policy Reviews, the CITES Secretariat recommended a counter-IWT approach rooted not only on sustainable livelihoods, but on a general framework of human rights.¹³³ It suggested that the traditional approach of focusing only on the socio-economic impacts of IWT does not sufficiently address all of its problematic aspects, and that hence a human rights perspective should be adopted. Building on this approach, we argue that the fight against IWT should not only focus on the conservation of endangered species and ecosystems, but also take into account the rights and well-being of the individuals and communities affected by these activities.

We posit that, rather than being a distraction from core wildlife issues, a human rights approach would strengthen the international legal framework against IWT. This means recognising and protecting human rights and integrating concepts of human and community welfare and well-being in the conceptualisation and implementation of anti-IWT laws. The added value of this approach is that it connects these issues with international human rights law. This, in turn, would affect domestic measures implementing IWT laws, making them more effective. We discuss concrete recommendations, as well as their foreseen limitations, in this section.

5.1 | Impacts of the human rights approach on IWT stakeholders

Developing a strong IWT framework featuring human rights necessarily means engaging the various actors of wildlife crimes. This section thus covers stakeholders whose human rights are affected by IWT, as well as duty-bearers and how a human rights perspective can assist in meeting their counter-IWT mandate. Key stakeholders include indigenous and marginalised communities, while duty-bearers pertain to law enforcement officers and policymakers.

Many indigenous communities live in or near areas rich in biodiversity. They have traditional knowledge about their ecosystems and often serve as guardians of these resources.¹³⁴ IWT directly affects their livelihoods, culture, and the enjoyment of basic human rights. They are pivotal in wildlife and biodiversity conservation efforts. Approaching the issue from a human rights perspective ensures the protection of indigenous peoples' rights and recognises their essential role in sustainable conservation efforts.¹³⁵ A literature review of more than 250 academic articles conducted by the UN Food and Agriculture Organization and the Fund for the Development of Indigenous

Peoples of Latin America and the Caribbean revealed that robust land rights among indigenous and tribal peoples in the region have significant positive impacts on the environment. The study found that these communities' lands have higher carbon storage capacities, denser forests and greater biodiversity compared with forests managed by other entities.¹³⁶

Numerous local communities have demonstrated a keen interest in being empowered with stronger custodial rights over wildlife, seeking to engage in sustainable and fair trade practices that respect both conservation goals and human rights. Their traditional knowledge and practices can offer insights into sustainable resource management, demonstrating that with the right support and legal frameworks, exploitation can be minimised, and conservation goals can be aligned with community well-being.

For instance, in the Amazon Basin, projects like non-timber forest product harvesting have shown how traditional knowledge from indigenous communities can lead to sustainable economic activities that do not necessitate destructive trade practices.¹³⁷ By securing legal rights to their land and resources, these communities can manage their environment sustainably, contributing to conservation while supporting their economic needs. However, more government support is needed to properly meet conservation targets.¹³⁸ In Namibia, the community conservancy programme empowers communities with rights to manage and benefit from local wildlife through ecotourism and sustainable hunting, under strict regulatory frameworks, leading to significant wildlife recoveries and economic benefits for local communities.¹³⁹ In the Philippines, the Indigenous Peoples' Rights Act recognises the rights of indigenous peoples to their ancestral domains and the natural resources therein, aiming to ensure their participation in managing these resources.¹⁴⁰ In Tanzania, the Hadzabe hunter-gatherers have been granted land rights in areas of significant biodiversity, recognising their traditional lifestyles and dependence on the land for sustenance.¹⁴¹ This legal recognition enables them to continue their sustainable hunting practices, which are conducted with an understanding of the ecological balance, showcasing a model where conservation and indigenous rights coexist.

Adopting a human rights approach to IWT means that duty-bearers in the area of IWT should strengthen official policies respecting indigenous peoples, upholding their land tenure rights, traditional knowledge and cultural practices, while involving them in decision-making processes related to conservation efforts. Both national and

¹³⁶Food and Agriculture Organization of the United Nations (FAO) and Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, 'Forest Governance by Indigenous and Tribal Peoples: An Opportunity for Climate Action in Latin America and the Caribbean' (FAO 2021).

¹³⁷M Richards, 'The Potential of Non-Timber Forest Products in Sustainable Natural Forest Management in Amazonia' (1993) 72 *Commonwealth Forestry Review* 21.

¹³⁸N Hanazaki et al, 'Indigenous and Traditional Knowledge, Sustainable Harvest, and the Long Road Ahead to Reach the 2020 Global Strategy for Plant Conservation Objectives' (2018) 69 *Rodriguésia* 1587.

¹³⁹M Wenborn et al, 'Lessons on the Community Conservancy Model for Wildlife Protection in Namibia' (2022) 31 *Journal of Environment and Development* 375.

¹⁴⁰JB Tuyor et al, 'Indigenous Peoples Rights Act: Legal and Institutional Frameworks, Implementation and Challenges in the Philippines' (World Bank Group 2007).

¹⁴¹S Fassbender, 'Forest Conservation and the Hadzabe. An Integrated Approach in Protecting Biodiversity and Cultural Diversity. Case Study: Carbon Tanzania' (Uppsala University 2016).

¹³³CITES (n 37).

¹³⁴P Bates and P Trakansuphakon, 'Indigenous Peoples: Informed Custodians of Biodiversity' (UNESCO 2021).

¹³⁵M Cabero, 'Indigenous Peoples and Biodiversity' (IUCN, 9 August 2022).

local governments should ensure that counter-IWT laws are sufficiently, but also not overzealously, enforced. The fight against IWT should actively engage these communities, in line with their cultural rights and avoiding paternalistic approaches. At the same time, monitoring and evaluation programmes for indigenous peoples should be strengthened, to ensure that they are not exploited. When the rights of indigenous and tribal peoples are protected, we gain key allies in wildlife protection and biodiversity preservation.

A second group of stakeholders are socioeconomically vulnerable people. In many cases, IWT involves the abuse of trust and confidence of local communities living in poverty or who are part of marginalised groups. Traffickers, especially organised crime groups, can take advantage of economic disparities and lack of opportunities, forcing people into illegal activities.¹⁴² A human rights approach focuses on addressing the root causes of such exploitation and protecting the rights of those most susceptible to being coerced into participating in the trade. This approach can translate into several concrete developments: adopting measures against poverty and empowering sustainable community development, but also ensuring mechanisms are in place to prevent human rights abuses like non-proportional and discriminatory displacement, forced labour, and violations of due process and the right to life. Legislative measures include putting into place sufficient disincentives under administrative, civil and criminal law for both government and private actors who commit these abuses, as well as incentive structures for community engagement in environmental protection. Some concrete programmes which have been increasingly implemented bridging IWT prevention with human rights include benefit-sharing mechanisms, education and capacity building, and inclusive policymaking. Mechanisms that allow communities to benefit from wildlife conservation, such as through sustainable use initiatives or ecotourism projects not only provide an economic incentive for conservation but also align with the right to economic development and ensure that efforts to combat IWT do not exacerbate poverty or undermine local livelihoods.¹⁴³ At the same time, providing education and training to marginalised communities on sustainable practices, legal rights and the ecological importance of biodiversity enhances the capacity of these communities to engage in conservation efforts and legal processes ensure they are better equipped to protect their resources and participate in decision-making. Lastly, inclusive policymaking can be facilitated through the establishment of advisory committees that include representatives from these communities or by mandating their involvement in relevant legislative processes.¹⁴⁴ These are only some of the many concrete programmes which could still be strengthened in terms of bridging human rights and wildlife protection and the prevention of IWT.

A third target group of human rights-centred reforms to address IWT are government and particularly law enforcement authorities. The IWT legal framework requires enforcement, investigations and prosecution of criminals involved in trafficking. When implementing

their international obligations against IWT, governments should ensure that law enforcement officials are committed to fairness, transparency and respect for the dignity and rights of individuals involved, including suspects, witnesses and victims. Thus, applying a human rights approach to criminal justice efforts against IWT involves training law enforcement personnel on human rights standards, ensuring due process and fair treatment for suspects, and preventing abuses during investigations and prosecutions. Taking such an approach also acknowledges the broader impacts of IWT on human security, including its potential for violence, displacement and threats to both human and environmental rights defenders. This strategy involves proper legislation and implementation from government bodies to promote greater security and stability, strengthen the rule of law, and also protect those who work to combat IWT.

A human rights approach also emphasises the importance of tackling corruption and ensuring accountability.¹⁴⁵ Corruption plays a significant role in facilitating IWT, acting as both a direct enabler of this illicit activity and a barrier to effective enforcement and prosecution. Corruption in IWT is multifaceted, involving various actors across different levels, from local enforcement officers accepting bribes to overlook poaching activities to higher-level officials facilitating the smuggling of wildlife products across borders.¹⁴⁶ This complex interplay of corruption and IWT is driven by a combination of high financial incentives, weak governance structures, and often, a lack of social legitimacy for laws restricting wildlife use and trade. The lack of social legitimacy of wildlife laws can be particularly problematic, stemming from local communities' perceptions that such laws are unfair, overly restrictive or disregarding traditional and socioeconomic needs.¹⁴⁷ When communities view wildlife conservation laws as imposed without their consultation or benefit, compliance diminishes, and local support for illegal activities can increase. This dynamic not only complicates enforcement efforts but also provides fertile ground for further corruption, as those involved in the illegal trade exploit these grievances to gain local complicity and silence.

This means that addressing corruption in relation to IWT and human rights is two-pronged. First, this means spearheading transparency, integrity and strong governance mechanisms within law enforcement agencies and the judicial system. These factors can help dissolve the existing protection enjoyed by crime syndicates due to graft and bribery. Upholding human rights standards strengthens the credibility and legitimacy of the judicial system, increasing the likelihood of successful prosecutions and convictions. When government initiatives to combat IWT take into account the potential negative impacts of law enforcement on local communities and they strive to minimise their social harms, it builds partnership and reinforces trust. At the same time, efforts through community education must be made to increase social legitimacy for private actors of anti-IWT

¹⁴²A Peters, 'Corruption as a Violation of International Human Rights' (2018) 29 *European Journal of International Law* 1251.

¹⁴³S Zain, 'Corrupting Trade: An Overview of Corruption Issues in Illicit Wildlife Trade' (Targeting Natural Resource Corruption Project 2020).

¹⁴⁴S Pooley et al, 'Rethinking the Study of Human-Wildlife Coexistence' (2021) 35 *Conservation Biology* 784; HJ König et al, 'Human-Wildlife Coexistence in a Changing World' (2020) 34 *Conservation Biology* 786.

¹⁴²Anagnostou and Doberstein (n 61).

¹⁴³EA Morgan et al, 'Capturing Multiple Forest Ecosystem Services for Just Benefit Sharing: The Basket of Benefits Approach' (2022) 55 *Ecosystem Services*.

¹⁴⁴Kashwan et al (n 96).

legislation. This inclusivity fosters community buy-in, thereby diminishing local support for illegal trade and curtailing opportunities for corruption. These dual-pronged efforts against corruption, rooted in a human rights approach, can make these communities stronger partners in the fight against IWT.¹⁴⁸

At this juncture, it is important to note that dismantling entrenched and corrupt criminal networks enabling IWT and taking down their leaders should be a priority. However, prosecutorial bodies should recognise the plight of individuals who may be situational victims of these crimes, such as trafficked persons or those forced into labour, and impose lesser penalties on them compared with those who seek to exploit them, for example in exchange for their testimonies.

Lastly, we focus on the fourth group: policymakers, whose mandate is to craft the legislative framework against IWT. A human rights perspective on the matter concretely demonstrates how IWT is a pressing social problem. This viewpoint emphasises that the trade often exploits vulnerable individuals and communities, infringing upon their fundamental rights and livelihoods, and underscores the urgency of the issue. By framing it in this context, policymakers are compelled to see IWT not only as an ecological concern but also as a legal, moral and social justice imperative. This human rights-centred perspective highlights that IWT harms not only their environment but also their constituents. By making this issue more tangible, urgent and salient for both domestic and international policymakers, this perspective encourages concrete policy responses, which should not only safeguard wildlife but also prioritise the protection and empowerment of marginalised populations.¹⁴⁹ At the same time, this increased political attention on the matter can help amplify international cooperation efforts. These efforts encompass better information sharing, joint investigations and extradition processes. By fostering partnerships and cooperation at regional and global levels and together with a strong human rights perspective, the IWT legal framework and implementation on international, regional and domestic levels can be significantly enhanced.

Based on the examples above, adopting a human rights approach by incorporating it into the existing legal regimes against IWT can impact key stakeholders by addressing the challenges related to the legal design and implementation of IWT laws. This approach ensures that both IWT and human rights laws do not operate in silos but are integrated across sectors including health, education and economic development. By recognising the interconnectedness of human rights and environmental conservation, such an approach mandates the involvement of various stakeholders, including indigenous communities, local populations, and sectors beyond just wildlife conservation, promoting collaborative efforts across governmental departments, NGOs and communities. It facilitates the design and implementation of laws that are not only aimed at protecting wildlife but also at supporting the rights and livelihoods of people, thereby fostering a sense

of ownership and responsibility towards conservation efforts. This integrative stance enhances the adaptability of laws to address both current and emerging challenges in IWT, rooted in a comprehensive understanding of the socioeconomic and cultural contexts of human-wildlife interaction.

5.2 | Possible limitations of a human rights approach to IWT

While being promising on many levels, a human rights approach to IWT is not a panacea. Acknowledging the complexity within the term 'human rights' is crucial when examining its interaction with wildlife conservation laws and practices, including those aimed at combating IWT. Human rights encompass a broad spectrum of entitlements and protections, typically categorised into three 'generations' of rights, each reflecting different values, priorities and historical contexts.¹⁵⁰

The interpretation and application of these generations of rights vary significantly across different jurisdictions, influenced by cultural, political and legal traditions. This variability can lead to conflicts, particularly when some of these rights intersect with wildlife conservation efforts. This includes the right to economic development which can conflict with the right to a healthy environment. For instance, conservation efforts to protect natural habitats can be seen as limiting economic opportunities for indigenous peoples and local communities.¹⁵¹ Cultural rights can also be perceived to sometimes conflict with conservation policies. Traditional practices might involve the use of species that are now endangered, leading to potential tensions between the preservation of cultural practices and the need to protect wildlife.¹⁵² Lastly, measures to enforce wildlife protection laws, such as creating protected areas, can conflict with human rights by restricting access to land or resources, affecting the livelihoods of local communities, and sometimes leading to displacement without adequate consultation or compensation.¹⁵³

It is not always possible for duty-bearers, in particular State authorities, to reconcile these conflicting rights, and we need to acknowledge this issue as a potential limitation of the approach we are proposing in this article. Anticipating and addressing these conflicts requires a nuanced approach which respects the complexity of human rights and seeks to find balance and synergies between them. We draw attention to the fact that effective and equitable conservation efforts must not only aim to protect wildlife but also consider the socioeconomic, cultural and political rights of communities, and vice

¹⁵⁰K Vasak, 'A 30 Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights' (2021) 7 *Law Journal of Social and Labor Relations* 20.

¹⁵¹L Dominguez and C Luoma, 'Decolonising Conservation Policy: How Colonial Land and Conservation Ideologies Persist and Perpetuate Indigenous Injustices at the Expense of the Environment' (2020) 9 *Land* 65.

¹⁵²S Wood, 'Cultural Values Critical in Illegal Wildlife Trade Interventions of Chinese-influenced Societies' (University of Kent News Centre, 5 August 2020) <<https://www.kent.ac.uk/news/environment/26201/cultural-values>>; L Thomas-Walters et al, 'Targeted Values: The Relevance of Classical Chinese Philosophy for Illegal Wildlife Demand Reduction Campaigns' (2020) 2 *People and Nature* 964.

¹⁵³TC Tran et al, 'A Review of Successes, Challenges, and Lessons from Indigenous Protected and Conserved Areas' (2020) 241 *Biological Conservation* 108271.

¹⁴⁸D Roe and F Booker, 'Engaging Local Communities in Tackling Illegal Wildlife Trade: A Synthesis of Approaches and Lessons for Best Practice' (2019) 1 *Conservation Science and Practice* e26; Cooney et al (n 76).

¹⁴⁹BG King et al, 'Protest and Policymaking: Explaining Fluctuation in Congressional Attention to Rights Issues, 1960-1986' (2007) 86 *Social Forces* 137.

versa. This approach calls for inclusive decision-making processes that involve all stakeholders, particularly those most affected by conservation policies, and strive for solutions that advance both human rights and wildlife conservation.

6 | CONCLUSION

The illegal wildlife trade is an oft-overlooked crime with significant social, economic and political repercussions. Failure to properly address IWT affects indigenous peoples, underprivileged communities and vulnerable individuals in developing countries the most. Moreover, there are instances when, in the overzealous protection of wildlife, human dignity is violated. This can engender further human-animal conflict, and decrease net incentives for communities to join the fight against IWT. With increasing reports of wildlife crime around the world, it is clear that robust legal reforms are necessary to address the problem.

As early as 2013, CITES recommended that a human rights perspective in battling IWT is better than the traditional approaches focused only on sustainable livelihoods. Despite this, our analysis of hundreds of official documents from 2013 to 2022 indicates that CITES, UNODC and the ICCWC have generally failed to implement this recommendation. At the same time, there is limited mention of wildlife in connection with global human rights violations in the reports of the UN OCHCR, Amnesty International and Human Rights Watch. While headway has been made on the matter,¹⁵⁴ the connection between IWT and international human rights law clearly needs to be emphasised more.

In this article, we sought to address the following question: how can incorporating a human rights approach enhance the international legal framework and national measures against the global illicit trade in wildlife? We focused on potential improvements for stakeholders whose human rights are most affected by IWT, including indigenous peoples and socioeconomically vulnerable communities. We also focused on duty-bearers: law enforcement agencies and policymakers to spearhead and implement these proposed reforms.

The urgent need to integrate a human rights perspective into the fight against IWT cannot be overstated. By recognising the profound impact of IWT on human dignity and vulnerable communities, and by holding duty-bearers accountable for legislating and implementing necessary reforms, we can pave the way for a more effective and ethical approach to combatting this pervasive global issue.

ACKNOWLEDGMENTS

We thank Dr Anna Abatayo and Dr Andries Richter of the Environmental Economics and Natural Resources group at Wageningen University and Research, and Dr Jefferson Arapoc of the Department of Economics, University of the Philippines Los Banos, for their insights. We are also grateful to Carl Kristoffer Hugo, University of the Philippines Los Banos, for the research support. Lastly, we thank

the IUCN Academy of Environmental Law, our co-panelists, and fellow participants for their feedback during the AEL Conference held July 2023 in Joensuu, Finland.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available in the public domain.

ORCID

Chad Patrick Osorio  <https://orcid.org/0000-0002-9450-0836>

Nadia Bernaz  <https://orcid.org/0000-0002-2558-6445>

AUTHOR BIOGRAPHIES

Chad Patrick Osorio is PhD candidate and researcher at the Environmental Economics and Natural Resources (ENR) and Law groups, Wageningen University and Research, as well as adjunct assistant professor at the School of Environmental Science and Management and Senior Lecturer at the Department of Economics, University of the Philippines Los Banos. Chad contributes to a number of international projects and publications, including the Yale Global Justice Program, the German Commission for UNESCO's Fair Culture Journal, the Oxford Graduate Inequality Review, the Asia-Pacific Yearbook of International Humanitarian Law, the Handbook of Homeland Security, and the Palgrave Encyclopaedia of Global Security Studies, among others. His body of research focuses on intersections of environmental and social justice, transnational harms, and artificial intelligence policy.

Nadia Bernaz is associate professor in the Law group at Wageningen University where she leads the Business, Human rights and the Environment research line. Her interdisciplinary research agenda focuses on business accountability for human rights and environmental impacts. She explores how to hold business accountable through national, international and transnational public and private processes. Her book, *Business and Human Rights: Bridging the Accountability Gap* (Routledge 2017) was rated as one of the best human rights books of all times and translated into Korean. She has published in top law and business journals such as *Human Rights Quarterly*, the *International Journal of Constitutional Law*, *Transnational Environmental Law*, the *Journal of Business Ethics*, *Business and Society* and the *Business and Human Rights Journal*. She is a board member of the *Global Business and Human Rights Scholars Association* and the book review editor of the *Business and Human Rights Journal*.

How to cite this article: Osorio CP, Bernaz N. Addressing the international illegal wildlife trade through a human rights approach. *RECIEL*. 2024;1-14. doi:10.1111/reel.12563

¹⁵⁴For example, the Conservation Initiative on Human Rights has pledged to incorporate human rights considerations into conservation policies and practices: <<https://www.iied.org/conservation-initiative-human-rights>>.