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Beyond CITES: Legal Fragmentation, Criminalisation Gaps and the Political Economy of Transnational Wildlife Trafficking

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Abstract- Wildlife trafficking is no longer adequately described as a conservation problem alone. It is a transnational criminal market involving illegal extraction, transport, document fraud, corruption, financial concealment, digital commerce and destination-market demand. This systematic legal literature review examines whether the international legal architecture is capable of treating that activity as serious organised crime. The review combines doctrinal analysis of CITES, UNTOC and UNCAC with thematic synthesis of peer-reviewed scholarship and authoritative institutional material. It finds that the principal weakness is not an absolute absence of international rules, but a failure of legal interoperability. CITES regulates international trade but does not constitute a comprehensive criminal code; UNTOC offers powerful cooperation mechanisms but operates through its serious-crime and transnational-organised-crime conditions; and UNCAC addresses corruption without creating a wildlife-trafficking offence. National differences in offences, penalties, conspiracy, corporate liability, confiscation, financial investigation and digital evidence consequently permit regulatory arbitrage. The review further finds that profit incentives become especially powerful where detection is uncertain and punishment is weak or uneven. Corruption and institutional influence can reduce enforcement risk, although claims of deliberate political sponsorship must remain tied to evidence from particular cases. The article argues for a dedicated UNTOC wildlife-trafficking protocol or equivalent binding instrument, common criminalisation standards, serious and proportionate penalties, mandatory financial investigation, stronger asset recovery, cross-border digital-evidence mechanisms, corporate accountability and whole-of-supply-chain responsibility. The contribution is to connect legal fragmentation with the political economy of trafficking and to show why seizure-based enforcement alone cannot dismantle networked criminal enterprises.

Keywords: wildlife trafficking; illegal wildlife trade; CITES; UNTOC; UNCAC; organised crime; corruption; criminalisation; political economy; asset recovery; legal harmonisation.

I. INTRODUCTION

The international wildlife-trafficking problem exposes a familiar weakness in global criminal governance: the crime is organised across borders, while the law remains substantially organised by borders. Illegal wildlife trade can involve extraction in one State, aggregation in another, transit through several jurisdictions, financial transfers elsewhere and final consumption in a distant market. The underlying manuscript identifies this fragmentation as a central problem of the present regime.

The legal architecture is nevertheless extensive. CITES controls international trade in listed species; UNTOC provides mechanisms for serious transnational organised crime; UNCAC addresses bribery, money laundering and obstruction of justice; and INTERPOL, WCO and ICCWC facilitate operational cooperation. The difficulty is that these instruments do not form one integrated criminal-law system. The literature increasingly treats wildlife trafficking as organised environmental crime rather than merely an infringement of conservation rules. [1–6]

This distinction has practical importance. A regulatory system may stop a shipment without disturbing the enterprise that financed it. A criminal-justice system should instead identify the organiser, financier, corrupt facilitator, document provider, logistics intermediary and ultimate beneficiary. The difference is between controlling a commodity and dismantling a criminal market.

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The central argument is deliberately critical: international wildlife governance has developed a substantial regulatory architecture but has not produced a sufficiently harmonised criminal-law architecture. This gap can lower the expected cost of trafficking, encourage jurisdictional arbitrage and allow sophisticated networks to substitute routes, actors and markets when one enforcement point becomes difficult.

II. OBJECTIVES, RESEARCH QUESTIONS AND HYPOTHESES

2.1 Objectives

1. To critically evaluate the adequacy of CITES, UNTOC, UNCAC and related international mechanisms for addressing wildlife trafficking as transnational organised crime.
2. To identify how criminalisation gaps, punishment asymmetry, corruption, financial incentives, institutional weakness and enforcement disparities facilitate trafficking networks.
3. To formulate a harmonised criminal-law and enforcement model capable of improving deterrence, prosecution, financial disruption and cross-border accountability.

2.2 Research Questions

1. RQ1: To what extent does the existing international legal framework adequately criminalise and regulate transnational wildlife trafficking?
2. RQ2: How do legal asymmetry, weak or uneven punishment, profit incentives, corruption and institutional protection facilitate the persistence of wildlife-trafficking networks?
3. RQ3: What binding legal and institutional reforms are required to create an interoperable international criminal-justice response?

2.3 Hypotheses

1. H1: The existing international framework is insufficiently criminalised and harmonised to address serious wildlife trafficking consistently as transnational organised crime.
2. H2: High illicit returns combined with low or uneven expected punishment, corruption and institutional vulnerability increase the capacity of trafficking networks to persist and adapt.
3. H3: Binding harmonisation of offences, penalties, financial investigation, evidence sharing and cooperation would strengthen deterrence and prosecution more effectively than fragmented national implementation.

III. METHODOLOGY: SYSTEMATIC LEGAL LITERATURE REVIEW

The study adopts a systematic legal literature review combining doctrinal analysis with thematic synthesis. This is appropriate because the research questions concern both the legal content of international instruments and implementation failures described in legal, criminological and institutional literature. The underlying manuscript identifies treaties, intergovernmental sources, scholarly research and comparative legal studies as the principal evidence groups.

The review prioritises primary legal sources and authoritative institutional reports for treaty-scope propositions, while peer-reviewed research is used to interpret enforcement, corruption, organised crime and political-economy dynamics. Search concepts include wildlife trafficking, illegal wildlife trade, CITES, UNTOC, UNCAC, organised crime, corruption, mutual legal assistance, extradition, money laundering, digital evidence and wildlife smuggling.

Included evidence	Excluded evidence
Treaties, UN materials and authoritative legal guidance	Purely biological studies without legal/governance relevance
Peer-reviewed legal, criminological and conservation scholarship	Commercial commentary without identifiable evidence
Comparative legislation and enforcement assessments	Duplicative summaries where primary material was available
Financial, digital and corruption research directly linked to wildlife crime	Unsupported allegations of political sponsorship

The synthesis proceeded through treaty mapping, thematic coding, comparison of criminalisation and punishment, analysis of enforcement mechanisms and hypothesis assessment. Because the source material does not provide a fully auditable database-level screening count, the paper does not fabricate PRISMA numbers. It is a systematic legal literature review with PRISMA-informed transparency, not a quantitative bibliometric meta-analysis.

IV. LITERATURE REVIEW AND CRITICAL RESEARCH GAP

The literature has moved from conservation-oriented accounts of species protection toward recognition of illegal wildlife trade as a complex, profitable and transnational criminal market. Sas-Rolfes and colleagues describe illegal wildlife trade as a governance problem shaped by scale, processes and incentives. [1] Mozer and Prost similarly place the problem at the intersection of biodiversity loss and wider societal and governance effects. [2]

The unresolved gap is that these strands are too often separated. Conservation scholarship explains demand and enforcement; legal scholarship explains treaty competence; criminology explains networks; anti-corruption scholarship explains facilitation. What remains insufficiently developed is an integrated account of how legal fragmentation itself becomes an economic opportunity for criminal actors.

Natali's recent analysis is especially important because it links CITES implementation, State discretion and fragmented sanctions to regulatory circumvention and proposes stronger criminal-law integration. [3] Broussard's ASEAN analysis likewise identifies divergent laws, corruption and criminal-justice weakness. [4] The implication is that the persistence of trafficking cannot be attributed only to inadequate ranger capacity or border control.

A second gap concerns what counts as enforcement success. Seizures and arrests demonstrate activity, but not necessarily network disruption. A serious criminal-law evaluation should ask whether organisers were convicted, proceeds confiscated, corrupt facilitators prosecuted, corporate actors sanctioned and cross-border evidence successfully obtained.

A third gap concerns political will. Broad claims that political actors sponsor trafficking networks are not supported uniformly by the literature. The defensible proposition is narrower: corruption, administrative influence, selective enforcement and institutional vulnerability can reduce the effective risk of punishment. [5–7] Where direct evidence establishes intentional protection, it should be analysed as such; otherwise, the research should describe functional impunity and test its mechanisms.

V. CITES AND THE LIMITS OF TRADE REGULATION

CITES is indispensable, but it was not designed as a comprehensive criminal code. It establishes permit and certificate controls for international trade in listed species, while implementation depends substantially on national measures. The manuscript correctly notes that CITES does not create a global police force, prosecution service or criminal court.

The resulting mismatch is fundamental. CITES can regulate the international movement of listed wildlife but cannot guarantee identical treatment of possession, conspiracy, financing, corporate facilitation, domestic trade or laundering. The criminal consequences of a trafficking transaction therefore remain nationally variable.

The domestic-market and non-CITES problems reinforce the gap. Illegal harvesting can occur within a State before products enter apparently legitimate export channels. Non-listed species can likewise fall outside CITES's direct trade controls. The international border may be only the final stage of a criminal process that began domestically.

The appropriate conclusion is not that CITES has failed. It is that CITES is being asked to perform a criminal-law function for which it was not designed. It should remain the trade-control pillar while a complementary criminal instrument supplies the missing network-level offences and cooperation rules.

VI. UNTOC AND THE MISSING WILDLIFE-CRIME PROTOCOL

UNTOC supplies a powerful criminal-justice framework, including extradition, mutual legal assistance, confiscation and law-enforcement cooperation. Its application, however, depends on the Convention's legal conditions. Serious crime is defined by reference to a maximum deprivation of liberty of at least four years, and the relevant conduct must also satisfy the transnational and organised-crime requirements. [8]

This creates a circular weakness. International cooperation is most valuable when domestic offences are weak, yet weak domestic classification can itself limit access to the strongest UNTOC mechanisms. The manuscript identifies the important distinction between the number of States that criminalise wildlife offences and the smaller number whose maximum penalties reach the serious-crime threshold.

A dedicated protocol could break that circle by defining serious wildlife trafficking, requiring criminalisation of attempt, conspiracy, facilitation and financing, and establishing minimum penalty standards. It could also strengthen extradition, mutual legal assistance, joint investigation, financial cooperation and electronic evidence. Natali's proposal is therefore significant because it addresses the structural interface between environmental regulation and transnational criminal law. [3]

VII. UNCAC, CORRUPTION AND INSTITUTIONAL PROTECTION

Corruption can be the bridge between a formal prohibition and an operational trafficking network. A network may require fraudulent permits, customs clearance, inspection avoidance, falsified certificates or administrative influence. UNCAC is therefore complementary because it addresses bribery, money laundering and obstruction of justice. [5,9]

The weakness is integration. A State may prosecute a corrupt official while leaving the trafficking enterprise, its financier and its proceeds untouched. Ivory demonstrates why anti-corruption and transnational wildlife law must be analysed together. [5] Wyatt and colleagues provide case-based evidence of corruption risks within Asian wildlife-trafficking systems. [6]

A stronger rule would require parallel corruption investigation whenever evidence indicates that public-office abuse facilitated serious wildlife trafficking. Otherwise the system may punish the visible transaction while preserving the institutional conditions that make repetition possible.

Political will should therefore be treated as an implementation variable: legislators set offences and penalties; ministries allocate resources; police and customs determine operational intensity; prosecutors decide charging priorities; and courts determine liability. Weakness at any point can reduce expected punishment. Functional protection can therefore exist without proof of a formal political conspiracy.

VIII. HUMAN GREED, PROFIT AND REGULATORY ARBITRAGE

Human greed is not a legal doctrine, but financial incentive is central to the operation of illicit markets. Traffickers respond to demand, price, scarcity, transport costs, corruption costs and enforcement risk. Sas-Rolfes and colleagues place market incentives and governance at the centre of illegal wildlife trade. [1] Bennett similarly shows how market incentives and corruption can facilitate laundering of illegally obtained ivory. [10]

A simple deterrence model captures the problem: expected criminal cost rises with the probability of detection, expected sanction, disruption and forfeiture. Where detection is uncertain and punishment is weak or uneven, high-value wildlife can remain economically attractive.

Regulatory arbitrage follows. If one jurisdiction treats serious trafficking as a felony while another imposes only a minor sanction, the criminal enterprise can distribute extraction, storage, documentation, payment and distribution across those legal environments. Harmonisation therefore has an economic purpose: it reduces the value of jurisdiction-shopping.

Law cannot eliminate greed. It can, however, alter incentives. Serious trafficking should produce sufficiently predictable personal and financial consequences that the expected return no longer justifies the risk.

IX. FINANCIAL CRIME, DIGITAL TRAFFICKING AND EVIDENCE

Wildlife trafficking is an economic crime as much as an environmental crime. Yet enforcement can remain concentrated on specimens and couriers rather than proceeds and organisers. OECD analysis emphasises the low-risk/high-reward character of wildlife crime in relevant jurisdictions and the importance of financial investigation. [7]

Serious cases should therefore trigger financial investigation: tracing proceeds, identifying beneficial owners, examining suspicious transactions, freezing accounts where lawful, tracing cryptocurrency, investigating shell companies and pursuing confiscation. The objective is to move from catching a courier to dismantling the enterprise.

Digitalisation makes this more urgent. Sellers, buyers, servers, payment providers and source locations may be in different jurisdictions. The manuscript identifies social media, encrypted messaging, online marketplaces, cryptocurrency and courier services as emerging enforcement challenges.

Cross-border evidence law must consequently become part of wildlife-crime law. Investigators may need financial records, customs data, phone records, platform information, shipping records, permits and forensic evidence from several States. Slow or incompatible mutual legal assistance can become a practical shield for transnational networks.

X. SOURCE–TRANSIT–DESTINATION ACCOUNTABILITY

A source-country-only model is inadequate. Wildlife trafficking is a supply-chain crime extending from extraction and aggregation through transportation, border crossing, finance, wholesale distribution, retail and consumption. Lyman's analysis of importing-country accountability is important because it challenges the assumption that source States alone should carry the principal compliance burden. [12]
The distribution of responsibility is also an environmental-justice question. Source States may bear the cost of rangers, borders and prosecution while destination markets generate demand. Responsibility should therefore follow the contribution of each jurisdiction to the criminal chain.

This approach also improves enforcement. Source jurisdictions can target extraction; transit jurisdictions can target smuggling and document fraud; destination jurisdictions can target possession, purchase and laundering; and financial authorities can connect the stages.

XI. RESULTS AND HYPOTHESIS ASSESSMENT

Question / hypothesis	SLR finding	Assessment
RQ1 / H1	CITES is trade-centred; UNTOC is conditional; UNCAC is complementary; domestic offences and penalties remain uneven.	H1 supported
RQ2 / H2	Profit incentives, low enforcement risk, corruption, weak financial investigation and legal asymmetry facilitate adaptation. Political protection requires case-specific evidence.	H2 supported with qualification
RQ3 / H3	Literature converges on harmonised criminalisation, penalties, financial investigation, MLA, extradition, digital evidence and asset recovery.	H3 strongly supported as legal-policy proposition

RQ1 is answered by showing that the current architecture is extensive but incomplete. RQ2 is answered through interacting economic and institutional mechanisms rather than a single cause. RQ3 is answered by the need for binding interoperability across offences, penalties, finance, evidence and cooperation.

The principal finding is interface failure. CITES regulates trade; UNTOC addresses organised crime; UNCAC addresses corruption; INTERPOL supports police cooperation; WCO supports customs cooperation; and national law determines most substantive criminal liability.

XII. PROPOSED GLOBAL WILDLIFE CRIMINAL-LAW HARMONISATION MODEL

Pillar	Core reform	Purpose
1. Common offence	Define serious wildlife trafficking across taking, possession, transport, sale, import/export, financing and facilitation.	Reduce definitional gaps.
2. Mandatory criminalisation	Criminalise attempt, conspiracy, facilitation, financing and serious online trafficking.	Reach networks, not only couriers.
3. Minimum penalties	Ensure serious trafficking meets the serious-crime threshold where appropriate.	Reduce penalty arbitrage.
4. Financial disruption	Predicate-offence treatment, beneficial ownership, tracing, freezing and confiscation.	Attack profit.
5. Evidence cooperation	Rapid preservation and transfer of digital, financial, documentary and forensic evidence.	Make prosecution workable.
6. Corporate accountability	Liability for knowing facilitation by logistics, brokers, platforms and commercial actors.	Address enabling infrastructure.
7. Integrity safeguards	Parallel corruption investigations, protected reporting and independent oversight.	Reduce institutional protection.
8. Whole-chain responsibility	Source, transit and destination jurisdictions assessed according to their role.	Correct source-country bias.

The model does not replace CITES. It places CITES inside a wider criminal-law architecture. CITES remains the trade-control pillar, while a UNTOC protocol or equivalent binding instrument supplies the criminal-law bridge between trade regulation, organised crime, corruption, finance and evidence.

XIII. RECOMMENDATIONS

1. Develop a dedicated UNTOC protocol on wildlife trafficking establishing a common offence and minimum criminal-law standards.
2. Require serious trafficking, attempt, conspiracy, facilitation and financing to attract proportionate penalties capable of activating transnational cooperation.
3. Recognise serious wildlife trafficking as a predicate offence for money laundering across participating jurisdictions, subject to constitutional safeguards.
4. Require parallel financial and corruption investigations where evidence indicates official facilitation.
5. Establish multidisciplinary wildlife-crime units linking wildlife authorities, police, customs, prosecutors, financial-intelligence units, cybercrime investigators and forensic laboratories.
6. Develop expedited preservation and transfer of electronic evidence with judicial and due-process safeguards.
7. Strengthen corporate liability for knowing facilitation by logistics, brokerage, marketplace and commercial actors.
8. Measure enforcement through organiser convictions, confiscation, corruption prosecutions, network disruption and successful cross-border cooperation rather than seizures alone.

9. Distribute compliance responsibility across source, transit and destination jurisdictions.

XIV. LIMITATIONS AND FUTURE RESEARCH

The review is doctrinal and thematic rather than a quantitative meta-analysis. Legal scholarship is dispersed across environmental law, criminal law, criminology and international relations, and the source material does not provide a fully auditable database-level screening count. Future studies should publish reproducible database searches, screening logs and PRISMA flow data.

The political-protection proposition also requires empirical testing through comparative prosecution and conviction data, corruption cases, asset-recovery records and network analysis. Future research should test whether stronger penalties actually deter trafficking or merely displace routes.

A further priority is proportionality. Stronger criminalisation should not make vulnerable communities bear the principal burden while financiers and commercial beneficiaries remain insulated. Enforcement must distinguish low-level subsistence conduct from organised commercial trafficking and maintain due-process and human-rights safeguards. [13]

XV. CONCLUSION

The international wildlife-trafficking regime has a paradoxical character. It contains many treaties, institutions and enforcement initiatives, yet trafficking continues to exploit the spaces between them. The problem is therefore best described as a deficit of legal interoperability rather than a total absence of law.

CITES remains indispensable but trade-oriented. UNTOC provides a powerful criminal-justice toolkit but depends upon its legal conditions. UNCAC addresses corruption but does not itself criminalise wildlife trafficking. Operational organisations facilitate cooperation but cannot substitute for harmonised domestic criminal law. [3,7–9]

The deeper failure lies in incentives. Where valuable wildlife products meet high demand, uncertain detection, weak or uneven penalties, poor financial investigation and corruption, the formal existence of law does not necessarily alter criminal behaviour. The law may prohibit the act while leaving its expected return attractive.

The review therefore supports H1 and H2, with the qualification that allegations of political sponsorship must be evidence-specific. H3 is strongly supported as a legal-policy proposition: a binding framework combining criminalisation, minimum penalties, financial disruption, digital evidence and cross-border cooperation is more capable of changing trafficking incentives than fragmented national implementation.

The necessary shift is from regulating specimens to dismantling enterprises. International wildlife law should identify organisers, follow money, prosecute corrupt facilitators, hold knowing corporate enablers accountable, preserve evidence across borders and impose meaningful consequences throughout the source–transit–destination chain.

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