

Wildlife crime and biodiversity protection: the way forward

Athens, 25 November 2018

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Trying to resume, when all has been said already

**Crime and criminal law are not the king's way forward, though
criminalization increases public attention and awareness
and has preventive effects**

Human behaviour and the law

In a society, roughly about 5 % of the population never abide by the law. 20 % always abide by the law. 75% abide by the law,when it is perceived to be fair, balanced, well monitored and enforced, not maintaining privileges or exceptions for some, transparently applied, accounted for, etc

EU nature protection legislation

- (1) Not comprehensive (landscape, biodiversity)**
- (2) Not balanced (agricultural funds, fisheries- scientific advice);**
- (3) Not transparently monitored (transposition tables, infringements)**
- (4) Not convincingly monitored (conservation status of species and habitats; ivory)**
- (5) Not effectively enforced (derogations, sanctions, name and shame)**

National nature protection legislation?

Do we need more EU wildlife protection legislation?

Potential candidates:

- **Biodiversity Act**
- **Landscape protection (Council of Europe Convention)**
- **Wild animal welfare (animals in circuses, wild pet animals)**
- **Ban of trade in ivory**
- **Marine mammals**
- **Pesticides and biocides and their use**

Commission inspections

Regulation 2017/625, Article 116:

Commission experts shall perform controls, including audits, in each Member State, to

- (a) Verify the application of the rules.. provided for in this Regulation;**
- (b) verify the functioning of national control systems;**
- (c) Investigate and collect information...**

The controls... may include on-the-spot verifications.

This applies to legislation on food and feed, animal health and welfare, plant health and plant protection products.

It should also apply to the environment (biodiversity protection).

Transparency is the key

The battle is on public opinion

Publish criminal activities

Examples: Air pollution UK-EU

Smoking

Transparency

- Publish court sanctions. Compare them with other sanctions, such as administrative sanctions.

Compare with sanctions in other sectors (traffic, drugs, economic sanctions).

Try to fight against the fact that environmental crime is victimless

Transparency

Try to publish the impact on biodiversity

Eucalyptus trees – increased fire risk – Portugal

Turtles in Greece – once the beach is turtle-free, no relocation

Birds, bees, insects – The Silent Spring

Transparency

Publish good and bad results of environmental crime. Collect the facts

The environment has no voice and no memory

Transparency

Publish the decisions and non-decisions of officials

Most environmental impairments occur with the active or passive support of public authorities

Give a voice to the environment

Transparency

Network with others, persons, NGOs, academics, journalists etc

Try to pool efforts. Working together has become easier.

If you fight, you may lose. If you do not fight, you already lost.

Be aware

Wildlife and biodiversity degradation is not an Act of God (force majeure). It can be combated.

If you fight, you may lose.

If you do not fight, you already lost