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Political ecologies of green-collar crime: understanding illegal trades in European wildlife

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ABSTRACT

Illegal wildlife trade (IWT) is commonly identified as one of the drivers of global biodiversity loss and has gained increasing attention from national governments, conservation NGOs, international institutions and the private sector. We argue that analyses of drivers and dynamics of IWT within Europe must evaluate the overlooked interconnections between legal and illegal trades. In this brief commentary, we develop a new conceptual lens that brings together cutting-edge theories of political ecology and green criminology. We apply this to the European IWT context, to deconstruct the power dynamics and inequalities that underlie environmental harms caused by green-collar crime. We use the dynamics of illegal trade in brown bears, eels and songbirds as illustrative examples, and consider three cross-cutting issues that shape the trade: consumption, uncertain scientific knowledge and legislative frameworks.

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KEYWORDS Green-collar crime; political ecology; wildlife trafficking; environmental harm

Introduction

European environmental policy and politics increasingly prioritise combatting biodiversity loss, as demonstrated most recently by integrating the EU's Biodiversity Strategy into the European Green Deal. Illegal wildlife trade (IWT) is commonly identified as a key driver of global biodiversity loss and is attracting increasing attention from national governments, conservation NGOs, international institutions and the private sector. However, the dynamics of trade in European species have largely been sidelined in debates about IWT, which tend to portray IWT as a problem of Africa and Asia, despite Europe being a major player – as source, consumer and transit area. Moreover, an analysis of drivers and dynamics within Europe will aid the ongoing development of key legislations on IWT (such as the EU Action Plan against Wildlife Trafficking and the EU Environmental Crime Directive).

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IWT is often presented as an issue of crime and security, leading to a focus on organised crime and high-profile corrupt actors. Conservation NGOs and donors regularly frame IWT as a source of finance for armed groups across the Global South, thus promoting security-oriented responses to tackling IWT, including enhanced law enforcement, surveillance, intelligence gathering and militarisation (Duffy 2022). Such narratives tend to draw particular attention to trades in high-profile African and Asian species. This focus obscures how legal and illegal trades can be intertwined, overlooks the role of cultural drivers or economic inequalities, and oversimplifies important, but hidden, trade dynamics. Concerns about IWT's role in funding and sustaining criminal activity have prompted several new global initiatives from national governments and international organisations, including the UN Office of Drugs and Crime, World Customs Organisation and Global Environmental Facility. In 2016, the EU launched its Action Plan against Wildlife Trafficking, which primarily positioned the EU as a destination market and transit point, without acknowledging that it might function as a source of illegal wildlife products. By attempting to establish the EU and its wider European neighbourhood as a leader in tackling IWT, these efforts build on and re-embed long-standing colonial and racist approaches to conservation, whereby the Global South is identified as a site for top-down interventions, including expansion of protected areas, via a model frequently termed fortress conservation (Kashwan *et al.* 2021).

In IWT debates, EU and non-EU countries in Europe are primarily treated as transport routes, thereby overlooking illegal trade in European species and the role of European businesses and consumers. Yet, Europe is a hotspot of IWT, with stark regional differences in levels of implementation and enforcement of wildlife crime legislation (Schlingemann *et al.* 2017), insufficient information regarding the species at risk, and high demand for animals and animal-parts (often concealed by sectors including tourism, trophy hunting and the food industry). These disparities are reinforced by uneven collaboration, enforcement and knowledge-sharing among EU Member States. Disjointed enforcement between EU and non-EU European states leads to criminal activity shifting towards countries where legislative frameworks and law enforcement are weaker. For example, illegal killing and trade of songbirds shifted to the Western Balkans in response to tightened regulations in the EU.

In short, current debates and policies on IWT tend to target the wrong actors and generate misplaced solutions and neglect the root causes of IWT, leading to ineffective law enforcement strategies and conservation outcomes for wildlife. Our research addresses this knowledge gap, thereby enabling more effective policymaking.

In this commentary, (i) we set out a new conceptual lens of political ecologies of green-collar crime by bringing together political ecology and

green criminology, and (ii) we apply this to a novel context (Europe). Our *political ecologies of green-collar crime approach* highlights the role of legal businesses engaged in IWT, and deconstructs the power dynamics and inequalities that underlie environmental harms caused by green-collar crime. By failing to capture the full complexity of actors involved in IWT in Europe, existing policies criminalise some practices and unequally impact the livelihoods of marginalised communities, while overlooking grey areas and legal inconsistencies that facilitate illicit activities. We use illustrative examples of the trade in brown bears, European eels and songbirds. European eels are critically endangered but subject to significant levels of trade, songbirds are not generally endangered but are heavily traded, while bears are endangered, and the levels of illegal trade are unknown. These selected species are not considered equally charismatic and attract varying attention levels from policymakers and enforcement authorities. The charisma associated with different species is important in analysing IWT, as it can shape management, determine how resources are allocated for international conservation, and influences the nature of cooperation between different actors involved in tackling IWT. For example, high-profile and charismatic megafauna in Africa and Asia (notably elephants, rhinos, and tigers) typically attract greater attention than lower-profile species that are similarly subject to illegal, unsustainable trade.

Political ecologies of green-collar crime

Political ecologies of green-collar crime is a new theoretical approach for understanding and explaining the underlying drivers of IWT in European species, and we argue that this has significant policy implications.

The terms 'environmental crime' and 'wildlife crime' are commonly used in relation to IWT, but there is limited understanding of the specific role played by what is referred to as 'green-collar crime' (Van Uhm 2016). Green-collar crimes are environmental crimes committed by legally registered companies involved in illegal activities or which use their infrastructure to facilitate illicit trade in wildlife (Wolf 2011). Green criminologists also describe the phenomenon as 'dirty-collar crimes' (Van Uhm 2016) and 'corporate crime' (Nurse and Wyatt 2020, Wyatt *et al.* 2020). The term has been used to describe grey zones between licit and illicit activities in which criminal activity shares a common interest with legitimate businesses (Ruggiero and South 2010). To date, green-collar crime approaches in the Global South have been overshadowed by the argument that IWT is a serious, transnational, organised crime. By using the analytical toolkit from green-collar crime it is possible to identify more accurately the drivers of IWT and to analyse the complex yet hidden role of business actors (in

aquaculture, sport-hunting tourism and transport sectors), who may knowingly, or unknowingly facilitate and sustain IWT.

The framework of political ecologies of green-collar crime builds on insights from political ecology and green criminology, which share a focus on deconstructing the power dynamics and inequalities underlying environmental harms. These approaches explain how and why environmental harms are distributed, by linking them to broader socio-economic-political systems. In the case of IWT, economic inequalities often prove central to trade dynamics: the wealthy largely produce demand for wildlife products, and marginalised communities can be drawn into poaching and trafficking due to a lack of economic alternatives (Lunstrum and Givá 2020). In many European contexts cultural traditions are often invoked to maintain exemptions from regional legal frameworks; while persisting political asymmetries mean that IWT continues to be a low priority issue. Consequently, it is important to examine the power dynamics involved in green-collar crime, most notably the complex role of business actors, as discussed above. For example, an analysis of seizures of illegally traded wildlife in the EU from 2001 to 2010 confirmed that more than 30% of the offenders have also traded wildlife legally as zoo and wildlife park owners, wildlife breeders or professionals (Van Uhm 2016). Shifting the focus to the role of green-collar crime allows for the development of a more nuanced explanation of the drivers of IWT in European species and potential solutions to tackle the trade. The power of business actors is not just financial, they also hold significant discursive power to shape debates on IWT by working with conservation NGOs, as well as political power through lobbying governments and donors.

Political ecology brings together ecology and political economy concerns to produce important critiques of the framing of IWT and policies to tackle it, especially concerning militarisation, human rights abuses, dispossession, and law enforcement. However, political ecologists have not sufficiently engaged with debates from green criminology about the production of crimes, the intersections between legal and illegal activities, and how to define environmental harms. In particular, political ecology can illuminate the hidden actors and interests involved in IWT of European species by focusing on the interconnections of power and socio-ecological injustices. Green criminology, a growing subfield of criminology, examines the causes and responses to crimes, harms and hazards that are ecological, environmental or green in nature (see Nurse and Wyatt, 2020). Green criminology is well placed to make visible the role of corporate businesses in perpetuating harms and perpetrating illegal activity against protected species. Green criminology can benefit from fuller engagement with debates in political ecology about international power dynamics, militarisation and ongoing colonial legacies in conservation (Kashwan *et al.* 2021, Duffy 2022).

By synergising strengths from each approach, our conceptual framework produces three key benefits: first, it expands the ways that green criminologists engage with power dynamics; second, it refines how political ecologists address the production of crimes (including understanding the roles played by class and social inequalities in shaping IWT); and third, it produces a new foundation to better aid policymakers in tackling IWT. Through our initial synthesis of insights from green criminology and political ecology we identify three cross-cutting themes that shape IWT in Europe. Focusing on these themes (described below) allows us to examine the entanglements of power in constructing and distributing environmental harms.

Consumption patterns

Consumption patterns are shaped, driven and sustained by economic inequality, historical or cultural practices and national identities (Veríssimo and Wan 2019). There is a need to analyse how cultural diversity and food traditions in EU Member States, such as the historical consumption of ortolan bunting in France and illegal killing of songbirds in Cyprus, drive illicit consumption of wildlife products. Appeals to cultural histories are also sometimes used to justify and legitimise policy opt-outs from EU regulations, or lead to inaction on enforcing regulations, and can even blur the lines between legal and illegal consumption (as in the case of consuming European eels as a foodstuff in a range of EU member states). It is also important to critically examine the role of charisma in creating demand on one hand, and in shaping attention and conservation funding from key stakeholders on the other hand. This is particularly important in cases where species are not yet endangered but require legislative protection. For example, in the absence of extinction narratives, the perceived charisma of certain songbirds may influence whether their traditional, yet illegal, consumption is considered a socio-ecological problem. Like the EU's approach to tackling IWT, existing research into the cultural drivers of IWT and consumer behaviour has predominantly focused on countries and regions outside Europe, especially Asia. Yet, the same economic inequalities associated with elite consumption are discernible in European IWT. For example, trade in bear trophies from Romania is driven by elite demand from Spain and Austria, while songbirds are often trafficked from the Western Balkans to Italy where they are consumed as prized delicacies.

Uncertain scientific knowledge

Uncertain scientific knowledge about species status contributes to IWT by obscuring or facilitating the production of environmental harm. For example, the ambiguous status of many European songbirds is notable; while many songbirds are not listed as endangered, populations are declining due to

pressures from agricultural intensification, urbanisation and hunting. Moreover, their migration patterns make the impact of the illegal trade on songbirds difficult to estimate. The status of the European brown bear population is also not well known. Bears are big business, and trophies can fetch €6,000 – €15,000 in Europe, while more significant restrictions on trophy hunting can also increase the value of bears for expanding levels of ecotourism. Both scientists and environmental NGOs question the official population figures and suspect that some wildlife managers over-report the number of bears to facilitate their continued access to bears as an important resource for tourism and trophy hunting sectors (Popescu *et al.* 2016). One of the aims of our research is to examine whether this leads to a manufacturing of uncertainty which facilitates IWT. For example, analysing data-poor system reveals whether and how this uncertain scientific knowledge enables green-collar crime by legitimate businesses (Popescu *et al.* 2016). European eels have a vast natural range extending from North Africa to the Barents Sea. However, a lack of scientific collaboration between institutions working across the geographical distribution of European eel makes it challenging to quantify total stock size or to discern the relative significance of different anthropogenic harms to eels, including climate change, over-harvesting (illegal trade), pollution, habitat loss and hydropower (Hanel *et al.* 2019).

Legislative frameworks and legal disconnects

Diverging regional legislation and inconsistent policy implementation across the EU and its neighbourhood create legal disconnects that green-collar offenders can exploit. This is often the case when considering transboundary collaboration between EU Member States and neighbouring countries, which remains deficient in prosecution and enforcement. A key shortcoming of existing IWT-related legislation, such as the EU Action Plan Against Wildlife Trafficking, is that it uses vague definitions, thus hampering implementation and cross-border cooperation. This is ineffective, and it creates loopholes that favour the development of grey markets and illicit activities associated with IWT, which are further expanded by drawing in vulnerable groups. A close examination of EU regulatory frameworks to determine if and how legislative disconnects enable IWT is long-overdue. For example, IWT in European eels could be facilitated by the lack of a legally mandated traceability mechanism of certification systems (Hanel *et al.* 2019). The framing of IWT as organised crime powerfully shapes policy and enforcement strategies and can ultimately provide cover for legal enterprises engaging in IWT. For instance, in EU Member States like Romania the illegal trade in bears is conducted using legal covers, including yearly quotas or exceptional culling, approved as a derogation from Article 16 of the EU's Habitats Directive, which means the business remains highly profitable (Popescu *et al.* 2016).

Conclusion

Tackling IWT is gaining traction in policy circles, nevertheless, knowledge of the illicit trade in European wildlife, including the role of European consumers and businesses, remains rather superficial. This creates particular challenges for current policy responses and the implementation of the European Green Deal. While we require better and more comprehensive data on customs seizures, trade networks, the species involved, and the impact of the trade on their population size, we also need to develop greater sensitivity towards the different kinds of stakeholders that intentionally or unintentionally facilitate or engage in IWT across Europe. This includes taking a closer look at European businesses and consumers. We propose the political ecology of green-collar crime framework to zoom in on hidden dynamics, including the links between cultures, traditions and consumption patterns within Europe, and to create a comprehensive picture of Europe's role in IWT. This new research agenda must engage critically with current narratives that frame IWT as a form of serious and organised crime primarily operating outside of Europe; instead, it is imperative to explore the messier dynamics of the trade and fully address the important role of green-collar crime. As we develop our research we aim to illuminate these issues by deconstructing the power dynamics and inequalities that create and sustain environmental harms produced by green-collar offenders. This is a first step in establishing a new sub-field of political ecologies of green collar crime, and we hope that this approach will be developed to create a new research agenda for environmental politics.

Disclosure statement

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