

**THE DEVELOPMENT OF ENFORCEMENT OF CITES IN NORWAY:
DISCRETIONARY OMISSIONS AND THERIOCIDES**

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ABSTRACT: The world is losing species at an alarming rate; the population sizes of wild mammals, birds, fish, amphibians and reptiles have dropped 68% since 1970¹. Much of this loss is caused by trade. This article discusses the development in the enforcement of CITES (Convention on the International Trade in Endangered Species) in Norway through a longitudinal, qualitative approach. It is based on data collection done in several stages and traces how crimes of wildlife trade are addressed by law enforcement agencies. It finds that there is lax enforcement of CITES crimes in Norway, which connect to what can be called anthropocentric, discretionary harms of omission in law enforcement. Taking a species justice approach and based on a discussion of possible changes and development in enforcement in Norway, this article argues that this crime is still insufficiently prioritized by enforcement agencies. Weak points identified at the early stages of this research, such as deficient recording of CITES crimes and discretionary lack of priority of investigation, were still existent. The most serious weakness is the policy

¹ WWF (2020) Living Planet Report 2020 - Bending the curve of biodiversity loss. Almond, R.E.A., Grooten, M. and Petersen, T. (eds). WWF, Gland, Switzerland.

of euthanizing confiscated animals, which is a considerable breach of species justice.

RESUM: El món està perdent espècies a un ritme alarmant: la mida de les poblacions de mamífers salvatges, ocells, peixos, amfibis i rèptils ha caigut un 68% des de 1970. Gran part d'aquesta pèrdua es deu al comerç. Aquest article discuteix el desenvolupament en l'aplicació de la CITES (Convenció sobre el Comerç Internacional d'Espècies Amenaçades de Flora i Fauna Silvestres) a Noruega mitjançant un enfocament longitudinal i qualitatiu. Parteix d'una recollida de dades realitzada en diverses fases i analitza la forma en la qual les autoritats competents aborden els delictes contra la vida silvestre. Els resultats revelen que a Noruega els delictes CITES es persegueixen amb laxitud. Això pot connectar-se amb el que es pot denominar com a lesions per omissió antropocèntriques i discrecionals en l'aplicació de la llei. Des d'un enfocament de la justícia d'espècies, i partint d'una discussió dels possibles canvis i desenvolupaments en l'aplicació de la llei a Noruega, aquest article argumenta que les autoritats competents segueixen sense donar-li la prioritat necessària als delictes contra la vida silvestre. Encara existien punts febles que es van detectar en les fases inicials d'aquesta recerca, com el registre deficient dels delictes CITES o la manca discrecional de prioritat en la seva investigació. El major punt feble és la política de sacrificar els animals confiscats, una vulneració considerable de la justícia d'espècies.

RESUMEN: El mundo está perdiendo especies a un ritmo alarmante; el tamaño de las poblaciones de mamíferos, aves, peces, anfibios y reptiles salvajes ha descendido un 68% desde 1970. Gran parte de esta pérdida se debe al comercio. Este artículo analiza la evolución de la aplicación de la CITES (Convención sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora Silvestres) en Noruega mediante un enfoque longitudinal y cualitativo. Se basa en la recopilación de datos realizada en varias etapas y rastrea el modo en que los organismos encargados de hacer cumplir la ley abordan los delitos relacionados con el comercio de especies silvestres. Se constata que en Noruega hay una aplicación laxa de los delitos de la CITES, lo que conecta con lo que puede denominarse daños antropocéntricos y discrecionales por omisión en la aplicación de la ley. Adoptando

un enfoque de justicia de las especies y basándose en un debate sobre los posibles cambios y la evolución de la aplicación de la ley en Noruega, este artículo sostiene que los organismos encargados de la aplicación de la ley todavía no dan suficiente prioridad a este delito. Los puntos débiles identificados en las primeras fases de esta investigación, como el registro deficiente de los delitos CITES y la falta de prioridad discrecional de la investigación, siguen existiendo. El punto débil más grave es la política de eutanasia de los animales confiscados, que supone una considerable violación de la justicia de las especies.

KEYWORDS: CITES – law enforcement – wildlife trafficking – species injustice

PARAULES CLAU: CITES – aplicació de les lleis – tràfic d'espècies salvatges – injustícia de les espècies

PALABRAS CLAVE: CITES – aplicación de las leyes – tráfico de especies salvajes– injusticia de las especies

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I. INTRODUCTION

Wildlife trafficking (WLT), the illegal trade, import and export of endangered species, can be placed alongside other serious crime. According to the United Nations, it comprises the fourth largest illegal trade worldwide after arms, drugs and human trafficking, and is frequently linked with other forms of serious crime such as fraud, money laundering and corruption². While the first three are all criminalized, the trade

² <https://www.unodc.org/unodc/en/corruption/wildlife-and-forest-crime.html>

in animals³ pertaining to threatened species, or species en route to becoming endangered is *regulated* through the Convention on the International Trade in Endangered Species (CITES). CITES⁴ was established in 1973 (and came into force in 1975) as a trade convention, to secure that the trade in endangered species does not entail their extinction. The trade in wildlife⁵ is regarded in CITES as a way to secure the ‘resources’ this wildlife provides for future generations and human benefit. CITES is an anthropocentric trade convention that safeguards human interest, rather than paying attention to the interests of all the millions of animals who on an annual basis are victims of the trade⁶. CITES works by subjecting selected species to trade control. All import, export, re-export and introduction from the sea of species covered by the Convention must be authorized through a licensing system. The species covered by CITES are listed in three appendices, according to their degree of protection as decided by the Conferences of Parties (CoPs). Appendix I includes species threatened with extinction. Trade in individual plants or animals of these species is permitted only in exceptional circumstances, such as for scientific purposes, or if the animals are part of a travelling exhibition, such as a circus⁷.

³ The term ‘animal’ is an anthropocentric word drawing a line between human beings on one side, and all other animal species on the other, disregarding that humans are also animals. Authors therefore often use the terms human animals and nonhuman animals to avoid speciesism. Such wording, however, does not rectify the problem because it implies that all other animal species have something in common that make them different from humans. As much as human animals and nonhuman animals, one could speak of horse animals and nonhorse animals, pig animals and nonpig animals, mouse animals and nonmouse animals, etc. because all species are different, with their own specific characteristics and abilities. For simplicity, though with regrets, I remain with the term animal to refer to all those animals who are not the human animal in this article. It deserves mentioning that in the legal context in Norway, seized animals will be referred to by their taxa, e.g. “snake” “parrot”, or species, or as “illegal goods”.

⁴ <https://cites.org/eng>

⁵ Wildlife is another anthropocentric term that implies that free-born animals as well as plants, are ‘mass’ rather than individuals. It is alienating and disguises that individual animals are sentient beings with interests in pursuing their lives unharmed by humans. For simplicity and brevity, I still use it in this article. The term “wildlife” has no equivalent in Norwegian, where the terms “ville dyr”, “wild animals”, or “ville planter”, wild plants”, are used.

⁶ GOYES, David; SOLLUND, Ragnhild. Contesting and contextualising CITES: Wildlife trafficking in Colombia and Brazil. *International Journal for Crime, Justice and Social Democracy*, 2016, 5.4: 87. SOLLUND, R. *The crimes of wildlife trafficking. Issues of justice, legality and morality*. London and New York: Routledge, 2019.

⁷ <https://cites.org/eng/disc/how.php>. That permissions are given to traffic wild animals of endangered species as part of circuses, clearly illustrates the anthropocentrism of the convention. When animals are trafficked to become part of such travelling entertainment industry, they are evidently subject to abuse and maltreatment, for sole anthropocentric, unnecessary purposes.

Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled to avoid utilization incompatible with their survival. Appendix III contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade. There are currently 5950 animal species listed in the CITES appendices, and it is animals who are the focus in the following. Each party to the Convention, which currently numbers 183, including the EU as one party, must designate one or more Management Authorities in charge of administering a licensing system and one or more Scientific Authorities to advise them on the effects of trade on the status of the species.

In Norway, the management authority is the Norwegian Environment Agency (henceforth NEA). The scientific authority for CITES in Norway is the Norwegian Scientific Committee for Food and Environment, which was appointed first on the 1st of January 2020, despite Norway being a signatory to CITES since 1976. The role of the Committee is to undertake independent scientific risk assessments for the Food Safety Authority (henceforth FSA) and the NEA. In relation to CITES, this commission's tasks include undertaking assessments of CITES' proposals for species listing connected to the CoPs as well as assessments connected to applications of import and export of CITES species.

Law enforcement authorities in Norway are the Police and Customs, the latter in charge of border controls. However, when live animals are seized at Norwegian borders, the responsibility for the animals' welfare lies in the hands of the veterinarians of the FSA, stationed at the borders, such as at Oslo airport and in Kristiansand, a town in the south of Norway, which is a ferry connection to Denmark. Like other European countries, such as the Netherlands⁸ and the UK⁹, Norway is mainly a receiving location for wildlife¹⁰, although birds of prey, like sea eagles and ospreys, are also wild caught in Norway and legally transported to other countries, such as Switzerland and Ireland as part of rewilding projects in those countries. This

⁸ VAN UHM, D. *The Illegal Wildlife Trade*, Springer. New York City, 2016.

⁹ SOLLUND, R. AND MAHER, J. The illegal wildlife trade. A Case Study report on the Illegal Wildlife Trade in the United Kingdom, Norway, Colombia and Brazil. A study compiled as part of the EFFACE project. University of Oslo and University of South Wales. (2015).

¹⁰ SOLLUND, R., 2019.

is only done after an assessment is made by the Norwegian Scientific Committee for Food and Environment. Birds and bird eggs are also known to have been taken illegally from Norway¹¹. In this article, I focus on the wildlife trade to Norway from abroad, and the development of enforcement of CITES in the country, through which I identify prevalent challenges. These again are discussed through perspectives found in green criminology.

II. BACKGROUND: PREVIOUS AND CURRENT RESEARCH ON WILDLIFE TRAFFICKING IN NORWAY

This article is written as part of a project¹² that forms a continuation of research that I began in 2010. The study investigated the prevalence, character and enforcement of CITES crimes in Norway. Findings from the first stages of the research into WLT in Norway documented that there was a lack of priority of such crimes among law enforcement agencies in Norway¹³. It was impossible to get an overview of WLT offences because these were coded randomly in the police penal case file statistics under a series of different laws. Seizure reports from Customs documented that wildlife was used in the 'pet'¹⁴ trade, and in a wide range of luxury products and collector items. A comparative SWOT (Strengths, weaknesses, opportunities and strengths) analysis¹⁵ of the law enforcement of CITES in Norway and the UK, identified as a strength in Norway that the keeping of exotic reptile species was generally banned. On the other hand, it was identified as weaknesses that the

¹¹ SOLLUND, R., 2019.

¹² Criminal justice, wildlife conservation and animal rights in the Anthropocene. (CRIMEANTHROP). Funded by the Research Council Norway under the Granting Committee for the Humanities and Social Sciences (FRIPRO), project number 289285.

¹³ SOLLUND, Ragnhild. Animal trafficking and trade: Abuse and species injustice. In: WALTERS, R., WESTERHUIS, D. AND WYATT, T. (eds). *Emerging issues in green criminology*. Palgrave Macmillan, London, 2013. p. 72-92.

¹⁴ The word 'pet' is again an anthropocentric term indicating that the meaning of an animal is to be kept for social purposes by humans. Many animals sold as 'pets' such as reptiles cannot even be handled without causing them harm, and also animals of species with a great 'cuteness factor', such as rabbits do not like to be handled by humans.

¹⁵ MAHER, Jennifer; SOLLUND, Ragnhild. Law enforcement of the illegal wildlife trafficking: a comparative strengths, weaknesses, opportunities and threats analysis of the UK and Norway. *Journal of Trafficking, Organized Crime and Security*, 2016, 2.1: 82-99; SOLLUND, R., 2019.

inconsistency of applications of laws and regulations entailed random and/or lenient enforcement and that there were limited resources to enforce CITES. Many WLT offences were not prosecuted or settled with insignificant fines, categorized as misdemeanours rather than crimes. There were limited qualifications related to CITES among staff in the judicial system. Finally, generally all animals who were seized due to trafficking offences were killed, paradoxically to enforce CITES, unless they could be rehomed at zoological gardens. Porous borders in Norway were regarded as a threat through which animals could be trafficked across borders with irregular control.

The research data collection (see below for elaboration of methods) was resumed in 2020, to assess the development of WLT offences in Norway and how these are prioritized by law enforcement agencies. The aim was, amongst others, to explore whether CITES offences had become more or less prioritized during the previous decade. WLT has been met with increased attention and priority over the past decade worldwide, not the least due to the COVID-19 outbreak, alongside an increasing decline in wildlife. It is nonetheless responded to with different force and vigour in different countries¹⁶. An issue I address is thus how this is reflected in the enforcement policy and practice in Norway.

III. THEORY AND CONCEPTS

Theoretically, this research is placed within the framework of green criminology. In this field, there is equal focus on those harms that are currently not criminalized, as on those that are because their consequences may be equally serious and harmful¹⁷.

¹⁶ WYATT, Tanya. A comparative analysis of wildlife trafficking in Australia, New Zealand and the United Kingdom. *Journal of Trafficking, Organized Crime and Security*, 2016, 2.1: 62-81, MAHER and SOLLUND, 2016.

¹⁷ E.g. BRISMAN, Avi; SOUTH, Nigel. A green-cultural criminology: An exploratory outline. *Crime, Media, Culture*, 2013, 9.2: 115-135. WHITE, Rob; HECKENBERG, Diane. *Green criminology: An introduction to the study of environmental harm*. Routledge, 2014; SOLLUND, Ragnhild Aslaug, et al. *Global harms*. Nova Science Publishers, 2008; BEIRNE, Piers; SOUTH, Nigel (eds). *Issues in green criminology*. Routledge, 2013; LYNCH, Michael J.; STRETESKY, Paul B. *Exploring green criminology: Toward a green criminological revolution*. Ashgate Publishing, Ltd., 2014; SOLLUND, Ragnhild (ed.). *Green harms and crimes: Critical criminology in a changing world*. Springer, 2016.

According to White¹⁸, one approach to study environmental crimes is: ‘to chart existing environmental legislation and to provide a sustained socio-legal analysis of specific breaches of law, the role of law enforcement agencies, and the difficulties and opportunities of using criminal law against environmental offenders’. This is an approach that is valid for the research of this article, which also considers the victimization caused by WLT. Important perspectives in green criminology relate to justice; environmental justice—which is anthropocentric—eco-justice and species justice. Key in eco-justice is the weighing up of different kinds of harm and violation of rights. Importantly, animals within their environments are accorded the intrinsic right to not suffer abuse¹⁹. These directions incorporate philosophical perspectives such as biocentrism, through which all living organisms are regarded as holders of equal rights to live and blossom—which is nonetheless criticized, e.g. for not providing answers to how to address overpopulation²⁰ and ecological justice—in which it is acknowledged that humans are merely one component of complex ecosystems that should be preserved for their own sake via the notion of the rights of the environment²¹. Were this to be respected, animals could not be abducted²² from, and killed in, their natural and social environments, and wildlife trade would be banned rather than regulated²³. Rather, the way humans interact with free-born animals is characterized by anthropocentrism. Anthropocentrism is a ‘belief system, an ideology of human supremacy that advocates privileging humans (and those who approximate humanity). Anthropocentrism, as an ideology, functions to maintain the centrality and priority of human existence through marginalizing and subordinating nonhuman perspectives, interests, and beings. Anthropocentrism requires that a

¹⁸ WHITE, Rob. Prosecution and sentencing in relation to environmental crime: Recent socio-legal developments. *Crime, law and social change*, 2010, 53.4: 365-381, p. 365.

¹⁹ WHITE, Rob. *Environmental harm: An eco-justice perspective*. Policy Press, 2013.

²⁰ HALSEY, Mark; WHITE, Rob. Crime, Ecophilosophy and environmental harm. *Theoretical criminology*, 1998, 2.3: 345-371.

²¹ WHITE, Rob. 2013.

²² SOLLUND, Ragnhild. Expressions of speciesism: The effects of keeping companion animals on animal abuse, animal trafficking and species decline. *Crime, law and social change*, 2011, 55.5: 437-451.

²³ It must be noticed, however, that even if animal rights, or eco rights, were to be established in legislation, there is no guarantee that such rights would be respected, just like human rights fail to be respected in many countries. (See BENTON, T. 1998. RIGHTS AND JUSTICE ON A SHARED PLANET. MORE RIGHTS OR NEW RELATIONS?)

society have a concept of humanity, assign privileged value to it, and measure all other beings by this'²⁴. The bottom line of the current nature crisis is anthropocentrism and as a consequence of anthropocentrism, speciesism, which makes humans privilege humans over all other species, works as both ideology and practice, and entails massive exploitation, killing and abuse of animals²⁵. Animal abuse and exploitation are taken for granted²⁶.

The decline of wildlife caused by the destruction of habitat and WLT is, therefore, an important harm to study within green criminology²⁷. This is particularly so because it includes a critical, green victimology that acknowledges that animals can be, and frequently are, individual victims, rather than property²⁸. WLT is an eco-global transnational, environmental crime²⁹. Concerning the wildlife trade, these harms include *transnational, systemic, organized animal abuse*³⁰. Animals are abducted³¹ or/and are victims of theriocides—animal murder³². Wildlife trade, whether legal or

²⁴ WEITZENFELD, Adam; JOY, Melanie. An overview of anthropocentrism, humanism, and speciesism in critical animal theory. *Counterpoints*, 2014, 448: 3-27, p. 4.

²⁵ NIBERT, David. *Animal rights/human rights: Entanglements of oppression and liberation*. Rowman & Littlefield Publishers, 2002.

²⁶ SOLLUND, Ragnhild. Speciesism as doxic practice versus valuing difference and plurality. In ELLEFSEN, R., SOLLUND, R. and LARSEN, G. (EDS) *Eco-Global Crimes*. Contemporary problems and future challenges, 2012, p. 91-114

²⁷ E.g. SOUTH, Nigel. Nature, difference and the rejection of harm: Expanding the agenda for green criminology. 2008. In SOLLUND, R. 2008, 187-200; WYATT, T. 2013, SOLLUND, R. 2019, VAN UHM, D. 2016.

²⁸ SOLLUND, Ragnhild. Nonspeciesist Criminology, Wildlife Trade, and Animal Victimization. In: *Oxford Research Encyclopedia of Criminology and Criminal Justice*. 2021, TAYLOR, Nik; FITZGERALD, Amy. Understanding animal (ab) use: Green criminological contributions, missed opportunities and a way forward. *Theoretical Criminology*, 2018, 22.3: 402-425, NURSE, Angus; WYATT, Tanya. *Wildlife criminology*. Bristol University Press, 2020.

²⁹ WHITE, Rob. *Transnational environmental crime*. London and New York: Routledge 2011.

³⁰ The concept covers not only the trafficking in wildlife, but also the transnational trafficking in millions of sheep and other 'livestock' who are transported across oceans to be killed for the meat industry in the receiving country. See e.g. <https://www.marineinsight.com/types-of-ships/how-is-livestock-transportation-done-using-livestock-carriers/>, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/646170/EPRS_ATA\(2020\)646170_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/646170/EPRS_ATA(2020)646170_EN.pdf) Both accessed on 14 April 2021.

³¹ SOLLUND, R., 2011.

³² BEIRNE, Piers. Theriocide: Naming animal killing. *International Journal for Crime, Justice and Social Democracy*, 2014, 3.2: 49-66. Beirne constructed the term as analogous to homicide, infanticide etc. to serve animals who are killed by humans some kind of justice, since he regard them as persons with inviolable rights, like humans.

illegal is eco-violence and animal abuse³³. It is unorganized when committed by individuals looking for extra income and adds to an informal economy, but it is also highly organized through the rules of the trafficking that are detailed, as in CITES, and through the inter/transnational co-operation to achieve this end.

While much has been written about species justice and animal abuse in green criminology, less has been written about the policing of animal abuse³⁴. I conceptualize all WLT as abusive for several reasons: Free-born animals and their close descendants are not designed for a life in captivity and are doomed to suffer, or at least to lack all that naturally surrounded them in their environment and to which they were adapted, even if they survive the abduction. When free-born animals are subject to abduction and theriocide in their habitats, this is often done by painful methods that inflict injury and suffering, such as glue traps, and their family and flock may be left behind with the loss. Therefore, when I study the enforcement of CITES, this is because I regard WLT as serious abusive harms, harms that in addition destroy ecosystems and lead to species extinction, but they are also crimes that are policed when breaches of law and regulation occur.

I also apply policing theory, in particular, that which relates to discretion. Much policing is connected to discretion³⁵. While discretion typically applies during a street patrol when officers make decisions concerning who to subject to control (e.g. stop and check)³⁶, discretion is also central in a police investigation and as police consider whether a crime has been committed, if there are grounds for investigation and prosecution, when interpreting findings and when deciding the appropriate criminal

³³ STOETT, Peter; OMROW, Delon Alain. *Ecoviolence Against Fauna: The Illegal Wildlife Trade*. In: *Spheres of Transnational Ecoviolence*. Palgrave Macmillan, Cham. p. 41-71. COLLARD, Rosemary-Claire. *Animal Traffic: Lively Capital in the Global Exotic Pet Trade*. Duke University Press, 2020. SOLLUND, 2019, WYATT, 2013.

³⁴ LYNCH, Michael J.; GENCO, Leo. Animal abuse registries: expanded interest in animal protection mimics other criminal justice policies, but should green criminologists hop on the band-wagon?. *Contemporary Justice Review*, 2018, 21.4: 351-370. But see NURSE, Angus. Policing wildlife: perspectives on criminality in wildlife crime. In: *Papers from the British Criminology Conference*. The British Society of Criminology, 2011. p. 38-53.

³⁵ KLEINIG, John (ed.). *Handled with discretion: ethical issues in police decision making*. Rowman & Littlefield, 1996.

³⁶ SOLLUND, Ragnhild. Racialisation in police stop and search practice—the Norwegian case. *Critical criminology*, 2006, 14.3: 265-292.

charge³⁷. Consequently, discretion is called for in day-to-day decisions which can entail police case files remaining unprosecuted for years³⁸. Discretion refers to judgement, consideration and sense³⁹. To explore how the police and other enforcement agents employ their discretion in the context of the enforcement of WLT, it is important to assess the functioning of legislation and regulation.

Discretion can be applied by a police officer concerning which of several cases shall be given priority in investigations when s/he has several cases on their desk, and also concerning which legislation shall be applied in indictments depending both on the prosecuting lawyer's discretion, knowledge and priorities. S/he can also decide not to prosecute. The judge can also use her/his discretion in the interpretation of a law and decide which law to give weight in a trial, as well as in the determination of the length of a prison sentence or size of fine, although, at least formally, this must be done within the framework of the law and according to precedence. This is also the case concerning the policing of WLT⁴⁰.

IV. METHODOLOGY

I started my research on WLT in 2010. Between 2010 and 2013, I did qualitative interviews with people working with CITES in enforcement agencies, such as Customs, Police, the FSA, the NEA, in addition to a handful of people who kept exotic reptiles that at the time were banned in Norway, with only a few exceptions. I also collected case file material in the form of police penal case files, including sentences and confiscation reports from Customs. Interviews were semi-structured, and the research was explorative, in the sense that it was open ended rather than done to 'test hypotheses'. The results of this research have been described in various publications⁴¹. In 2020, a research grant from the Research Council Norway

³⁷ RUNHOVDE, Siv Rebekka. Taking the path of least resistance? Decision-making in police investigations of illegal wildlife trade. *Policing: A Journal of Policy and Practice*, 2017, 11.1: 87-102.

³⁸ SOLLUND, R., 2019.

³⁹ RUNHOVDE, S., 2017.

⁴⁰ RUNHOVDE, 2017, SOLLUND, 2019.

⁴¹ E.g. SOLLUND, R. Animal trafficking and trade: Abuse and species injustice. In *Emerging issues in green criminology* (p. 72-92). Palgrave Macmillan, London. 2013.

facilitated the possibility of examining case file material previously collected, and to repeat data collection. In 2020, I thus conducted 18 interviews with police staff, such as environmental co-ordinators with a specific responsibility for eco-crime⁴², and the Eco-crime⁴³ police unit in Norway, with veterinary inspectors at the FSA, with Customs and finally with the NEA⁴⁴.

The seizure reports from the Customs directorate concerning CITES enabled me to see whether there have been changes in seizures; i.e. whether the same kinds of products or live animals are seized in the last years, compared with during the initial stages of this research. This analysis will be kept for future publications.

What I rely on herein are the interviews. They have been coded thematically. The research methods have a longitudinal perspective. Often in longitudinal⁴⁵ studies, one follows a group of persons over a given time span to trace their psychological development. This is not what I have done. Rather, I have done interviews with the same, but also different respondents, in respect of their positions. The focus is on their experiences related to WLT and CITES and how they execute their roles as professional enforcement agents. Naturally, no one can fully separate feelings from actions and experiences, so these interviewees' experiences will nonetheless be tinted e.g. by their choice of seeking the position they hold, which results from their interests and priorities. Further, rather than following the work of enforcement agents

MAHER, J., & SOLLUND, R. Law enforcement of the illegal wildlife trafficking: a comparative strengths, weaknesses, opportunities and threats analysis of the UK and Norway. *Journal of Trafficking, Organized Crime and Security*, 2(1), 2016, 82-99.

SOLLUND, R., 2019.

⁴² Their work areas are broad, and include environmental crimes and economic crime in addition to work-related crimes and animal welfare. In a few police districts, special units working on animal welfare have also been established. Because of the breadth of the environmental officers' responsibility, they seldom get the opportunity to specialize in one area of crime.

⁴³ ØKOKRIM is the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime—the main source of specialist skills for the police and the prosecuting authorities in their combat against crime of this kind. It was established in 1989 and is both a police specialist agency and a public prosecutors' office with national authority (Økokrim, 2017/2020).

⁴⁴ All research applies with the rigorous ethical requirements of the Norwegian Centre for Research Data (NSD).

⁴⁵ SVARTDAL, F. *Longitudinell metode i Store norske leksikon* på snl.no. Accessed on 23 March 2021 from https://snl.no/longitudinell_metode

closely, I have 'dived' in and done interviews and other data collection at different stages of my research, during a decade.

V. WHAT IS THE VALUE OF WILDLIFE?

There are both positive and negative developments in the enforcement of CITES in Norway, disregarding, for now, that CITES itself constitutes a problem in terms of animal abuse and the lack of ability to offer animals of endangered species genuine protection⁴⁶. The CITES regulation has been revised several times during the past decade. While there were great variations revealed during the first stages of my research concerning which legislation was employed in CITES offences, which consequently entailed lenient punishment, since 2018 the CITES regulation is implemented under the Nature Diversity Act⁴⁷ (henceforth NDA), with a potential punishment of up to five years prison for a severe breach of the law. From an enforcement perspective, this is an improvement because this prevents state prosecutors from charging offenders—and judges from convicting them—with breaches of other legislation with more lenient punishment potential, such as the Law of Import and Export with a maximum 6 months' prison and a fine, through which the wildlife—whether dead or alive—is merely regarded as illegal 'goods'. The use of this legislation in previous court cases entailed for instance that a man who had imported a large number of wildlife products received only a very limited suspended prison sentence because, due to the application of this law, most of his offences were obsolete, and consequently he could not be charged with the majority of his crimes⁴⁸.

Other changes in the CITES regulation have the potential of saving lives because it is established in the NDA, §72b, that the authorities can decide that what is confiscated can be destroyed, euthanized, shall belong to the state or be returned to the authorities in the country from where the confiscated (animal) was exported.

⁴⁶ HUTTON, Jon; DICKSON, Barnabas (ed.). *Endangered species, threatened convention: the past, present and future of CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora*. London, UK: Earthscan, 2000; SOLLUND, R., 2019; GOYES, D. and SOLLUND, R., 2016.

⁴⁷ https://lovdata.no/dokument/NL/lov/2009-06-19-100/KAPITTEL_3#%C2%A726

⁴⁸ SOLLUND, R., 2019, 58-64.

The costs shall be paid by the offender if the authorities determine that s/he has acted with purpose or with negligence. This change was claimed to be an improvement by an interviewee in the NEA because animals who are seized in traffic now can be returned, which they could not before, because an export permit would not be issued if there was no import permit. Animals who were stopped in traffic in Norway were therefore usually killed⁴⁹. However, according to several interviewees, in Customs and veterinarians in the FSA and NEA, killing victims of trafficking is still the practice in Norway, and the killing is done with the law in hand.

One police officer elaborates on the topic when I ask whether the animals who are seized are offered to the zoological gardens.

‘It has happened that we have called them [Kristiansand Zoo], but we have no agreement with them about this. Normally, they already have the species or are hesitant to receive it due to the quarantine rules etc. They must ensure it brings no infectious diseases. So, my impression is that they are not so interested. But of course, if we come across something and the FSA says it is very rare, we might make that extra phone call [to the Zoo]. But if we do a confiscation and the FSA says it is illegal to keep, but it [the species] is plentiful, we might not make that extra check [with the Zoo].’

As documented through previous research⁵⁰ there is little concern about the interests of each individual animal who is seized. Their value, and the efforts made to save them, will be assessed only on the degree of endangerment of the species and increase only if the animal is rare. This means that there is a speciesist hierarchization in the enforcement of CITES, depending not only on species characteristics, and whether or not they are ‘iconic’, such as elephants, but on numbers; all animals who are not CITES listed or only listed in Appendix II (B) or III (C), can be—and usually are—killed.

A border veterinarian from the FSA elaborates on this killing practice. A man had arrived in Oslo with three parrots [*Electus roratus*] listed in Appendix II. The parrots

⁴⁹ SOLLUND, R., 2019.

⁵⁰ SOLLUND, R., 2019.

were seized because the trafficker did not have the CITES documents that were required. This entailed a confrontation with the NEA because the FSA wanted to rehome them at Kristiansand Zoo. Because the NEA is the CITES authority, this agency determines the fate of the seized animals. The person in charge told the veterinarian at the FSA, that it is *policy* once an animal has arrived on Norwegian ground without papers, that it is euthanized.

Shortly after, a new incident occurred at Oslo airport: She elaborates:

‘And shortly after, a new idiot—to put it bluntly—arrived, with three African Grey Parrot (*Psittacus erithacus*) babies. My colleague had the responsibility for hand feeding them. And they are so smart, like five-year-old kids. And I, I get ... I have euthanized many animals, but I cried when I euthanized these birds. Because I thought it was hell euthanizing them. They understood. It is completely different with a dog, they don’t understand anything. But these, they understood, as my colleague and I entered, that this was big shit. So, we had to euthanize three more parrots. And what kind of handling of endangered species is that? I thought it was terrible. (...) I think it is a totally wrong way of enforcement. It goes against all I stand for. To take these birds out, it was so different from euthanizing other animals, I thought: they understand. [But] we do not want to work as the NEA’s executioners of endangered species. And it really isn’t our role either. It is not ok that the NEA make decisions of euthanizing without seeking other alternatives.

In this interview, it is also reiterated that the only exception to killing is if Kristiansand Zoo will take the animals because the NEA does not trust other zoos. However, there seems to be a development for the worse because, as said, it is now *policy* to kill rather than to seek alternatives. The NEA does not have any apparatus to take care of the animals, therefore, the animals are left to the care of the veterinarians at the airport or other border controls, to the FSA veterinarians’ frustration. This veterinarian wants a formalized co-operation with the NEA in this area. She adds:

We have not refused to do it [kill the animals] yet, but anyway, the problem has been significantly reduced due to the pandemic because people hardly

travel anymore.

As can be seen from these quotations, the speciesist underlying rationale of CITES, that wildlife are goods, primarily, is still reflected in Norway's enforcement of the convention, and perhaps also being more routinized. Euthanizing can also have another function.

VI. KILLING AS DETERRENT

To kill the animals who are seized may be the choice because it is the easiest solution to a problem, but killing the animal may also be used as a form of informal punishment, which like other punishment can also have a deterrent effect. One of the environmental co-ordinators in the police reflects upon this:

If everybody knows that this [animal] will give you no pleasure if you get caught, and you only have to pay a fine if you get caught ... That [to kill the animal] is the rough version of building up the preventative side to this.

Author: 'But don't you find it questionable to use those animals instrumentally to create a deterrent effect on traffickers?'

Interviewee: Yes, but I think one must measure the legal advantage against the costs. It would have been better if the animal could be returned to its biotope and live well, and it is rough ... to kill the animal for us [offenders] to learn from it. It is a dilemma, I totally agree. But I think when it comes to list A-animals (CITES I) there are made more considerations than for C-listed [CITES III] animals.

Consequently, although regrettable from the animal victims' point of view, he seems to think they can be sacrificed in a cost-benefit perspective, with the deterrence produced by their deaths outweighing this harm. Another interviewee in the police says, when I ask him about the practice of euthanizing:

No, I think that the regulations of CITES are meant to protect endangered species, and it is really wrong to kill them, those that one can take care of. But there are difficulties associated with this, for example to guarantee that they

are not infected with anything, and there are also economic costs connected to this. The easiest is a pistol, as the saying goes.

It seems more important to punish the offender by killing the animals than to save them. According to Runhovde⁵¹, the police regard confiscation of wildlife products as sufficient punishment resulting in other prosecution not being pursued. This may be a legitimate choice if the goal is only to reduce penal prosecution. If the animal is already dead, for her/him it will make no difference. But generally, when such offences are dismissed entailing only confiscation of CITES products or live animals, this reaction is too lenient for the offender considering the severity of WLT. Confiscation is an informal punishment that comes before possible prosecution. However, it is unlikely that the killing policy, understood as the course or principle of action in relation to confiscations of CITES-listed animals adopted by the NEA and left to be executed by the FSA, has a good general preventative effect. A requirement for a punishment to have such an effect is that it is made known to the public. However, neither the police nor the NEA go public about this killing, so potential offenders are most likely to be unaware that this will be the outcome of a trafficking attempt.

In terms of the other twin of deterrence theory, individual deterrence, this is probably relevant for traffickers who traffic to cover their desires, e.g. for a 'pet', rather than committing this crime as part of the business to merchandize the animals. Few offenders of this category are likely to risk reoffending, and they are unlikely to risk losing another animal. But this could easily have been achieved by means of a fine, rather than killing an innocent trafficking victim to produce deterrence. If the size of the fine is sufficiently big, it will certainly deter this kind of offender from committing this crime again. Often, they are unaware of the rules, and their offences are committed as a result of ignorance, or as spontaneous acts, as when a tortoise is bought in a market and then trafficked home in the pocket. In rare cases in which the traffickers may be inclined to commit a new crime to replace the animal who was confiscated, for the animals, it might be better to be left in the hands of the traffickers,

⁵¹ RUNHOVDE, 2017, p. 94.

which has been practised in the UK⁵², than to be killed. However, this would very much depend on the skills and interests these offenders have in taking proper care of birds and reptiles, which together with fish are most often trafficked. The care provided to trafficking victims is often wanting, judged by the penal case file material. If offenders traffic animals to incorporate them into their breeding businesses, or as part of other business, they would also consider it a loss to have the animals seized and killed because this would impact their income. However, in this case, is it possible that the seizure would be regarded as a risk one is willing to take because it may still be economically worthwhile to traffic and sell endangered wildlife⁵³? It is witnessed in other countries that wildlife traffickers will calculate that animals may be seized, and therefore traffic more than they “need”. In Norway, all illegal animals would be seized, so this would not make any sense. However, there is anecdotal evidence that traffickers will simply repeat the offence, since the business will be worthwhile despite economic loss due to confiscations.⁵⁴

What may count as much when it comes to deterrence as having the animals killed, is that the punishment weighs so heavily that in a cost–gain balance the costs would outweigh the gains. Therefore, the tendency of imposing larger fines, and the potential of sentencing to longer prison sentences established with the application of NDA is positive. However, this requires a will at all stages of the process of the criminal justice system to prioritize these offences.

Furthermore, while in previous research⁵⁵ it was established that the NEA would try to rehome confiscated animals if they pertained to CITES I, it now seems more established that the animals are killed overall, even when CITES I, as in the case of the African grey parrots. Far from acknowledging the animals’ intrinsic value, which is stated in the Norwegian Animal Welfare Act, they are killed to make a point, and for lack of more easily available alternatives. In other countries and in the aftermath of large operations involving customs organisations and police in many countries in

⁵² SOLLUND, R. and MAHER, J., 2016.

⁵³ SOLLUND, R., 2019, WYATT, T., 2013.

⁵⁴ SOLLUND, R., 2019

⁵⁵ SOLLUND, R., 2019.

order to strike down on WLT, such as Operation Thunder⁵⁶, the press will often publish pictures of seized animals. During the decade I have done research on WLT in Norway, this has happened once, in 2012. Consequently seizures made by Customs and the fate of the trafficking victims seldom reach the general public in ordinary news articles, although I have made this issue public by writing open editorials in newspapers over the last years and by giving interviews in the Norwegian public broadcaster (NRK). Overall, however, there is little attention to this issue since Customs' seizures are largely hidden in internal statistics, and in no case do they reveal what happens next to the animals.

The employees of the NEA have room for discretion in terms of whether to report the offenders for their crimes, and the police can apply discretion concerning the investigation (see below) and—if the case goes to trial—the judge can determine the punishment within the limits of the law and based on precedence. Because the NEA is the owner of confiscated wildlife, the veterinarians cannot decide not to kill the victims of trafficking, who therefore may suffer double victimization. First, they are victimized when set into traffic, next they are victimized with a deadly result when they are killed to make a point instrumentally to the offender. As shown by the quotation from the veterinarian, she did this killing despite it being counter to all she stands for and was very upset by it. She, therefore, also suffered a form of victimization when she was obliged to kill the birds. She was also deprived of the use of her faculty of judgement and from following ethical standards of her profession concerning what should happen to the birds, through the NEA's decision to kill the birds. When she pointed to the intelligence of these birds, this is a fact well documented by psychologist Irene Pepperberg⁵⁷ who has researched this species for several decades. This supports the veterinarian's impression that the birds understood what awaited them, and adds to the terror of such an act.

⁵⁶<http://www.wcoomd.org/en/media/newsroom/2020/november/wildlife-and-forestry-crime-worldwide-seizures-in-global-wco-interpol-operation.aspx#:~:text=Thunder%202020%20is%20the%20fourth%20in%20a%20series,operations%20give%20impetus%20to%20a%20positive%20feedback%20loop.>

⁵⁷ PEPPERBERG, Irene M. *The Alex studies: cognitive and communicative abilities of grey parrots*. Harvard University Press, 2009.

When it comes to an assessment of the value of the wildlife that CITES is supposed to protect, through the Norwegian enforcement policy, they are refused their intrinsic value and respect for their interest in living their lives, which stands out as a blatant breach of species justice⁵⁸. Their deaths are merely regarded as means through which criminal deterrence can be produced, they are easily confiscated and discarded as 'illegal goods'. When WL products are trafficked, rather than live animals, perhaps such treatment can be justified, however, when it is a matter of live animals who are killed to achieve this effect, it is far more problematic.

VII. DISCRETIONARY OMISSIONS

As previous research concerning the law enforcement of WLT in Norway has shown⁵⁹, how the police treat such offences varies from case to case, in terms of priority, prosecution and application of legislation. How the case is dealt with is much up to each police officer and state prosecutor. Many cases are simply dismissed, others result in a fine, which usually varies between 2000 NOK⁶⁰ and 20000NOK. A few cases have ended with prison sentences, but short, and most of the sentences are suspended, meaning that the offender does not have to go to prison after all. Whether an offence is simply dismissed or prosecuted is up to the law enforcement agent's qualifications and interest in the issue. This again will also depend on how often s/he comes across such cases, and as reported by my interviewees, this happens quite rarely⁶¹. Therefore, they are uncertain about how to handle them, and because it is easier to dismiss than to prosecute, this is often the outcome. Runhovde gives an example of the consequences of such use of discretionary power, concerning a case in which a 'pet'-shop had imported corals and sea-shells that were CITES II-listed. The case was first dismissed by the police, but the Customs appealed, and the shop was fined 50000 NOK, which is a considerable fine⁶². The police's lack of practice in this area is a problem because the rarity of such cases prevents them from acquiring skills in the field. Whether this rarity

⁵⁸ WHITE, R., 2013.

⁵⁹ SOLLUND, R., 2019, RUNHOVDE, S., 2016.

⁶⁰ One Euro is roughly ten NOK.

⁶¹ See also STEFES, C., this special issue.

⁶² RUNHOVDE, S., 2016, p. 94.

represents the reality, or simply reflects that what is revealed is only the tip of the iceberg⁶³, for example because Customs do not put sufficient effort into revealing such crimes⁶⁴, is still hard to establish.

When the police choose to dismiss WLT offences and Customs' inspectors fail to reveal them, either because they are 'troublesome'⁶⁵, or because they prioritize to look for drugs⁶⁶, they all execute their professional discretionary power. Discretion, as mentioned, refers to judgement, consideration and sense, and is often in policing based on a 'gut feeling'⁶⁷. This gut feeling, which can also be understood as a skill in revealing crime, is based on experience and will develop over time, in fact, this intuition is mostly dependent on experience.

Discretion is based on interest in a field, gut feeling and experience. The Customs' inspectors also rely on other information, such as flight information and the self-declarations of the shipping agencies. Still, law enforcement agencies can be accused of committing *omissions of discretionary enforcement*, which entail that WLT remains underenforced.

For example, the change of the CITES regulation in Norway, implementing CITES through the NDA, which, as mentioned, has entailed a potential increase in punishment, does not help if such crimes remain underenforced, and if the legislation is counteracted by 'common sense' and the personal interest of the enforcement agent. Discretion will always be in place because absolute enforcement of the law is not an option due to limited resources, and because all, even very precisely worded law requires interpretation in concrete situations. This is the situation whether in policing the streets or when making decisions concerning investigations and prosecutions of WLT⁶⁸. Therefore, discretion is inevitable in policing. Perhaps also,

⁶³ SOLLUND, R., 2013.

⁶⁴ RUNHOVDE, Siv Rebekka. Seizures of inconvenience? Policy, discretion and accidental discoveries in policing the illegal wildlife trade at the Norwegian border. *Crime, Law and Social Change*, 2015, 64.2-3: 177-192, SOLLUND, R., 2013.

⁶⁵ RUNHOVDE, S., 2015.

⁶⁶ SOLLUND, R., 2013, RUNHOVDE, S., 2015.

⁶⁷ SOLLUND, R., 2006.

⁶⁸ REINER, Robert. *The politics of the police*. Oxford University Press, 2010, cited in RUNHOVDE, R., 2017.

because investigating WLT offences is far from what many police officers regard as 'true policing matters'⁶⁹, it receives less priority. While WLT has received increased attention over the past decade, many enforcement agents may have missed out on the urgency of enforcing these crimes.

Another example of discretionary omissions, or perhaps rather the result of neglect, is when seizures of live parrots are not registered in Customs' statistics. This is revealed both in previous⁷⁰ and current research. This leads to another and greater omission, which relates to the inadequate coding of such cases in the statistics.

VIII. NEGLECTFUL RECORDING OF CITES CRIMES

When I first started the research about WLT in Norway, one of the first things I did was to require statistics of seizures of CITES crimes concerning animal trafficking and how these were punished in Norway. This was in 2010. I was astonished then that Statistics Norway, which has statistics concerning most things in Norway, including crime, offenders and punishment, had no such statistics. Neither did the Police have any such statistics in their system. It appeared that potential CITES crimes were coded under several different legislations, much up to the discretion of the investigating police officer and the police lawyer. Crimes that could relate to CITES could for example be coded under a regulation of the Animal Welfare Act that forbids the keeping of 'alien exotic species', under the Wildlife Act, under the Law of Regulation of Import and Export, and others. I, therefore, accumulated from the police all penal case files in Norway that could possibly relate to CITES, such as all cases concerning reptiles, to get an overview of such cases in Norway. These included more than eight hundred cases. Often it was not even established whether the animals in question were CITES listed, they could be referred to for example as 'a lizard' or 'a snake'.

During the interviews I undertook with the police in the first stages of my research,

⁶⁹ SOLLUND, Ragnhild Aslaug. *Tatt for en annen: En feltstudie av relasjonen mellom etniske minoriteter og politiet*. Gyldendal akademisk, 2007, LYNCH and STRETESKY, 2014.

⁷⁰ SOLLUND, R., 2019.

this issue was discussed and identified by all interviewees in the police as a weak point. Despite this, ten years later, there is still no coding for CITES, far less a code distinguishing between CITES animals and CITES plants, live beings or products derived from endangered fauna or flora.

When asked about this, the police considered this a problem. It was not only a problem that there was no coding but also that cases would be coded under the wrong legislation. As noted, CITES is now implemented under the NDA. What one police officer said, illustrates that also how such crimes are coded may be up to discretionary considerations:

Even though it says in the CITES regulation which law applies, it may well happen that the Wildlife Act is used, or one of the old laws that I mentioned. Law of regulation of import and export, the Customs law etc. So, I think that the Eco-crime unit should ensure that the whole Norwegian police are informed about what legislation should apply in such cases. I find it very strange that it is up to the local prosecutor.

Another, who is also co-ordinator of eco-environmental crimes in his district, said:

I have a lot of codes concerning environmental crimes, but I have very few codes in relation to the number of penal cases, a lot of cases are recorded under general terms—environmental crime-diverse—is used a lot. So, to return to a case you have to enter each case, you cannot read much from the recording because it is so general.

Other categories that may cover CITES are ‘animal welfare diverse’, ‘special legislation diverse’. Consequently, and as noted by several interviewees, it is hard to return to cases, and it is hard for example to present this topic to supervisors and colleagues because they have no overview. At the same time, one interviewee in the police emphasized that it is merely a matter of choice; the leadership could decide that from now on CITES crimes should have a specific code. It seems, thus, that there is a lack of priority to create a code for these crimes that could make the existence and the character of enforcement of these crimes more transparent. This neglectful recording of CITES crimes entails them ‘disappearing’. As observed by

Runhovde: ‘Inconsistent recording and, in turn, incomplete statistical representation, create the impression that such crimes are few and insignificant, as well as disguise and potentially undermine the good work being conducted’⁷¹.

Further, when the statistics provide no evidence for the existence of such crimes, it lays the foundation for further downgrading the efforts concerning enforcement, which again affects the training that the actors in the criminal justice system undergo in handling such cases, as well as their skills.

It is interesting that this lack of priority does not reflect the guidelines from The Director of Public Prosecutions and the Regional Public Prosecution Offices in Norway. In the strategy document dated 15th of February 2020, it is stated on p. 13 that the ‘Illegal taking and trade in species that are threatened with extinction shall be prioritized’⁷². However, not only such crimes shall be prioritized, so shall also, to list a few of the central priorities; homicide and violence, arson, child abuse, sexual offences, international organized crime, including drug crimes, economic crime, racism and other discrimination, work crime and environmental crime—the last three are the areas covered by the police environmental co-ordinators who are also in charge of CITES.

The overall aims of the strategy are to: Reduce serious crime, strengthen crime prevention and produce a more efficient treatment of penal cases in the criminal justice system. Consequently, the police officers investigating crimes and the lawyers who are responsible for charging offenders and producing the indictments must prioritize a lot of different crimes, which likely will entail that some will not be prioritized at all. The CITES crimes are easily victims of this. Unfortunately, the great variety of environmental crimes that law enforcement agencies must deal with can often entail similar problems⁷³.

⁷¹ RUNHOVDE, S., 2016, p. 96.

⁷²RIKSADVOKATEN. Rundskriv nr. 1/2020, 202000218. <https://www.riksadvokaten.no/wp-content/uploads/2020/02/Rundskriv-1-2020-M%C3%A5I-og-pri.pdf>

⁷³ WHITE, R., 2010, p. 375.

IX. STEPS FORWARDS AND BACKWARDS—OR LAW ENFORCEMENT STATUS QUO?

Norway has had a central role in CITES over several decades, and formally fulfils all its obligations, e.g. through its detailed reporting to CITES, which Wyatt identifies as one of the requirements for compliance to the Convention⁷⁴. In Norway, there are also in place the three agencies that Pink⁷⁵ regards as important in the enforcement of environmental transnational crime: Police, Customs and the Environment Agency (NEA). For these three agencies to operate optimally, good formal, as well as informal, co-operation is necessary. The recent⁷⁶ interviews showed that among Customs', NEA and Police informants, the co-operation worked mostly on a day-to-day ad hoc basis, and the interviewees were content with the co-operation provided they had names for persons they could contact.

Pink discusses with reference to Situ and Emmons⁷⁷ that the single most important requirement for effective environmental law enforcement is co-operation between regulatory agencies and traditional law enforcement officials, and points to the difficulties that may occur in such co-operation due to professional differences. Examples of this were found also in the present study. There were disagreement concerning the enforcement, for example interviewees in Customs would find the NEA being too lenient and willing to extend CITES import and export permits after the border crossing had already taken place, and consequently, a breach of law was committed. This was for example the case regarding a large shipment (200 kilos) of whale meat from Norway to Japan, that was exported from Norway without the required permits. When the Customs' inspectors stop a shipment that NEA later on permits, this creates tension due to different professional standards.

⁷⁴ WYATT, T. *Is CITES Protecting Wildlife? Assessing Implementation and Compliance*. London and New York. Earthscan Routledge. 2021.

⁷⁵ PINK, G. *Law enforcement responses to transnational environmental crime: Choices, challenges, and culture*. Transnational Environmental Crime Project Working Paper. 2013 Jul 4: 2013.

⁷⁶ Interviews conducted in 2020.

⁷⁷ SITU, Yingyi; EMMONS, David. *Environmental crime: The criminal justice system's role in protecting the environment*. Sage Publications, 1999.

While the FSA veterinarians do not formally belong to an enforcement agency concerning CITES in Norway, they have a role in the enforcement of CITES because they take care of CITES (and non-CITES) animals who arrive illegally in Norway. The disagreement concerning the treatment of confiscated animals shown above is an example of difficulties in co-operation concerning CITES confiscations relating to different professional ethics. While a veterinarian will wish to save individual animals, the NEA seeks principally to enforce CITES, cost what may, such as the life of an endangered animal.

On the positive side, Norway has revised the CITES regulation several times to comply better with CITES and to ensure better enforcement of the convention. This has implied that CITES has been implemented under different legislation, covering customs law, animal welfare law, wildlife law and finally the law of nature diversity. However, these revisions may also have contributed to a lack of clarity in terms of what rules apply, for example relating to the legislation through which CITES is implemented. This has caused great variation concerning priorities of enforcement, e.g. whether a person receives a fine or the case is dismissed, the size of the fine, what legislation is applied and consequently the severity with which the case is perceived and punishment distributed in court. In the few cases the offenders have ended up in court, as mentioned most often this results in suspended prison sentences. Prosecution is identified by White as a central tool in enforcement and compliance activities, which means using the full application of criminal laws and criminal sanctions strategically and in proportion to the nature of the offence. This includes the use of imprisonment⁷⁸. There is little point in having legislation in place, if it is not, or only sporadically or leniently, enforced.

X. CONCLUSION

There has been an increased focus on the trafficking in endangered animal species worldwide, and this focus is also represented in the priorities mentioned in a recent

⁷⁸ WHITE, R., 2010, p. 377.

Norwegian white paper⁷⁹ about environmental crimes, and in the priorities of the Director of Public Prosecutions and the Regional Public Prosecution Offices. Increased priority of CITES crimes is also witnessed through the revision of the CITES regulation and the strengthening of the legal foundation for the convention in Norway. On the other hand, several of the weaknesses that were revealed in the first stages of this research, a decade ago, are still prevalent. As noted by many scholars⁸⁰ the policing of wildlife crime generally and WLT more specifically is deficient and lax.

Moreover, in Norway, while offenders of WLT may be punished, the hardest punishment of all involved is distributed to the animals who are already victims of trafficking because they are killed as a consequence of the enforcement practices. The most critical in my view is that the decision of the NEA to instruct the FSA to kill seized animals now seems to be policy, rather than the outcome after rehoming attempts have failed. This was the practice before, and while the outcome may be the same, at least previously the NEA *tried* to save the animals. This continues to be a paradoxical way to enforce a convention that despite being an anthropocentric trade regulation instrument, at least is intended to offer endangered species some kind of protection. If practice should change, and the opportunity that lies in the law for returning the animals was used, this may save the animals' life, but may still imply more strain and suffering for them. In the tenth meeting of the parties⁸¹, CITES notes that: 'In deciding on the disposal of confiscated animals, managers must ensure both the humane treatment of the animals and the conservation and welfare of existing

⁷⁹ <https://www.regjeringen.no/no/dokumenter/meld.-st.-19-20192020/id2698506/> Accessed on 15 April 2021.

⁸⁰ NURSE, A. Policing wildlife. Perspectives on the enforcement of wildlife legislation. Basingstoke: Palgrave. 2015; WYATT, 2013, SOLLUND, Ragnhild Aslaug; RUNHOVDE, Siv Rebekka. Responses to wildlife crime in post-colonial times. Who fares best?. *The British Journal of Criminology*, 2020, 60.4: 1014-1033., MAHER and SOLLUND, 2016; VAN UHM, 2016. WYATT, Tanya; VAN UHM, Daan; NURSE, Angus. Differentiating criminal networks in the illegal wildlife trade: organized, corporate and disorganized crime. *Trends in Organized Crime*, 2020, 1-17, Sollund R., Maher J. (2015) Illegal wildlife trade. A case study on illegal wildlife trade in the United Kingdom, Norway, Colombia and Brazil. Report produced as part of EFFACE. Available at: <http://efface.eu/illegalwildlife-trade-case-study-report-illegal-wildlife-trade-united-kingdom-norway-colombia-and#overlaycontext=case-studies> Accessed on 21 April 2021

⁸¹ <https://cites.org/eng/res/10/10-07R15.php>

wild populations of the species involved. Options for disposal fall into three principal categories: 1) maintenance of the individuals in captivity; 2) returning the individuals in question to some form of life in the wild; and 3) euthanasia. The last option may often prove the most appropriate and most humane.’ In Norway, because the Kristiansand Zoo is more or less saturated, a zoo option for rehoming that is also pointed to as a problem in the CITES resolution, and because returning to the wild is not regarded as possible by the NEA, the only ‘humane’ remaining option is theriocide. However, as all the time more animal species face extinction, this is an unsustainable and cruel way of enforcing CITES. Norway, as one of the richest countries in the world, could contemplate building facilities for rehabilitation and rehoming of confiscated animals. Seizures are not made so frequently that it should represent an unaffordable cost for Norway to establish a sanctuary for trafficking victims.

It is positive that there are environmental co-ordinators dispersed in the police districts. This was the case both in the first stages of my research and still is. It was and is, however, a problem that crimes relating to the natural environment are grouped with work environmental crimes and economic crimes because this prevents the environmental co-ordinators from prioritizing CITES and other environmental crimes, it means other police officers do not receive any practice in how to handle (and code) such crimes, and even the environmental co-ordinators themselves lack experience and skills in how to deal with these crimes because they are rare. Whether such crimes actually occur seldom or whether they are simply not revealed, is hard to say. Even when such crimes are revealed they may be lost in the statistics because there is still no proper recording of such crimes in place.

When police discretion is coupled with a lack of training and experience in how to deal with such crimes, such crimes easily disappear. This is not least because animals have little status among the ordinary, generalist police, and consequently crimes relating to animals may therefore receive little priority, as pointed out by interviewees.

In 2016 it was identified as a strength that in Norway there was a general ban against the keeping of alien exotic species, with a few exceptions. This meant that all exotic reptiles were generally prohibited in private hands. The ban was lifted on August 15, 2017. This is a weakness, of which much can be said, but this will be addressed in a future publication.

For now, I conclude that the enforcement of WLT in Norway is characterized by the omission of priority and care for the victims of WLT, and that there is considerable room for improvement, both in terms of priority, training, co-operation, stricter and more predictive law enforcement and punishment of the offenders. This deserves to be conceptualized as harms of omission concerning the enforcement of WLT violence. The formula for wildlife protection generally is that the individual value of free-born animals increases only when the 'mass' of a species is critically reduced, and currently in Norway, not even then are they protected.

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