



Role of Multilateral Environmental Treaties in Containing Cross-Boundary Wildlife Crimes

Article History:

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How to cite this article: Pallavi Chhabaria, Dr. Tauheed Alam, Role of Multilateral Environmental Treaties in Containing Cross-Boundary Wildlife Crimes, *J Int Commer Law Technol.* 2026;7(1): 893-906.

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Abstract

Transboundary wildlife crime impacts on the global biodiversity, environmental sustainability and sustainable development and is usually connected to other types of organized criminal activities like narcotics trafficking and money laundering. Critical and regulated and collaborative forums to tackle such a challenge are found in Multilateral Environmental Agreements (MEAs) like the Ramsar Convention, Convention on Biological Diversity, Convention on Migratory Species, or Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The research paper reviews the provisions, implementation and use of MEAs in order to determine its effectiveness in wildlife crime. Even though MEAs make a significant contribution in controlling the global trade of wildlife and encouraging wildlife conservation, some challenges still exist because of the discrepancies of states in the process of implementing MEAs, political goodwill, absence of enforcement power, or loopholes that criminals take advantage of.

It is notable that the paper is devoted to the public awareness or capacity building or the role of the non-governmental agencies in enhancing the compliance. As can be seen, the paper concludes that MEAs play a vital role in the war against cross border wildlife crime, but their performance will require enhanced cross border engagement, standardisation of laws and solid commitment by governments, non-governmental organisations, international organisations and communities...

Keywords: Sustainable development, Biodiversity, Multilateral Environmental Agreements, Trans boundary Wildlife Crime, Wildlife trade, Non-Governmental Organizations

Introduction

“The global biodiversity, environmental sustainability, and development are undermined by cross-boundary wildlife crime.”¹ Transcending state sovereignty and often intersecting with other severe forms of crime, such as “money laundering and drug trafficking,” this multi-billion dollar industry is fueled by “structured criminal groups” and the “demand for wildlife products.”² International agreements called “multilateral environmental agreements” (in this paper, referred to as “MEAs”) aim “to provide a framework for international cooperation to address current global environmental challenges such as pollution, waste, biodiversity loss,

and climate change.” MEAs are “based on the recognition that, just as the global environmental problems must have global solutions, their causes must also have global solutions.” An MEA is “a legally binding agreement between two or more parties that make commitments to respect certain environmental objectives.”³

“Sustainable development, environmental stability, and biotic diversity face serious jeopardy from cross-border wildlife crime.” Wildlife crime that takes place between nations is driven by organized crime groups and the large consumer demand for illegally traded wildlife

¹Zimmerman M. E., (2003). The Black Market for Wildlife: Combating Transnational Organized Crime in the Illegal Wildlife Trade. *Vanderbilt Journal of Transnational Law*36(5), 1657-1689.

²*Ibid* at 1657.

³Challender, D. W., & MacMillan, D. C. (2014). Poaching is more than an enforcement problem. *Conservation Letters*, 7(5), 484-494.

products. This multimillion dollar criminal industry is a major threat to sustainable development, environmental stability, and biotic diversity globally. It diminishes state sovereignty, often linked to other serious crimes such as narcotics trafficking or money laundering. "Multilateral Environmental Agreements (MEAs) have become a key global instrument of response to such pressing global environmental concerns."⁴ These agreements fall back on the idea that global issues need global solutions because of their global causes and effects. A compulsory document of commitments to achieve a set of specified environmental objectives between states is referred to as a Multilateral Environmental Agreement.

Research Methodology

This research paper proposes the use of qualitative methodology, which is aided by description and analysis. The initial research methodology is doctrinal research, which deals with the study of international conventions, treaties, and multilateral agreements like MEAs, including CITES, CBD, CMS, and the Ramsar Convention, with respect to the extent of their scope, objectives, and implementation practices related to cross-boundary wildlife crimes.

Additionally, the study makes use of secondary research sources that include reports by international bodies such as UNEP, IUCN, WWF, refereed articles, case studies that showcase real-world challenges faced by nations that implement MEAs.

In order to determine the implementation of MEAs, the study reviewed official webpages of organizations that provide commentaries on laws that showcase regimes' practices. These provide a means of accessing information about the extent of implementation

Moreover, the study maintained an empirical aspect through the examination of the gathered survey data, as well as graphical information, in order to derive information with regard to the concerns of various stakeholders on the effectiveness of MEA, their understanding of its provisions, implementation issues, as well as the deterrent level of fines imposed for non-compliance. This made it possible to cover both theoretical aspects of wildlife crime governance through doctrinal analysis.

In respect of the empirical study, data collection was done through structured survey of selected group of

stakeholders which have direct or indirect association with the wildlife crime such as researcher, lawyer and conservationist. A total of 80 responses were collected with the use of the survey. Though small, this number of responses was chosen for a directed analysis which could provide indicative data of the effectiveness of MEA, understanding of provisions, challenges of enforcement or adequacy of penalty for wildlife crime. These data were used for analysis with the help of descriptive statistic.

Therefore, the methodology approach taken is interdisciplinary in its outlook and involves law, policy and environmental governance. Through triangulation and with the aid of analysing law, reports by institutions and data gathered, this study aims to critically examine the strength, weakness and potential of MEAs for combating cross-boundary wildlife crime.

Literature Review

The literature on transboundary wildlife crime is frequently finding that it is growing in complexity as a global environmental, economic and security problem caused by organized criminal networks and a persistent demand for illegal wildlife products. Scholars point out the problem of wildlife trafficking as one of the most lucrative illegal trades in the world, and that affects biodiversity, and thus weakening governance systems and contributing to other criminal activities such as money laundering and drug trafficking. Within this context, Multilateral Environmental Agreements (MEAs) have come to play a central role as the legal and institutional frameworks for tackling the transnational aspects of wildlife crime. The most studied MEA is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES studies highlight the role of the Convention in regulating the international wildlife trade with its system of appendices, permits and trade suspensions. However, they also demonstrate a number of serious limitations to the implementation of CITES: inconsistent national laws and regulations, weak enforcement mechanisms and loopholes exploited by traffickers, which was recently highlighted by international assessments, which highlighted that the harmonization of national regulations and capacity building of frontier enforcement agencies are urgently needed.

Beyond CITES, there is an appreciation in the literature of other ecological and legal frameworks provided under the Convention on Biological Diversity, which promotes sustainable use and equitable benefit-sharing, and the Convention on Migratory Species, which highlights the need for coordinated international action for species that cross national jurisdictions. The studies also mention the

⁴*Supra* note 2 at 1658.

role of the Ramsar Convention in protecting habitats, especially those wetlands of international importance to migratory birds, fish and other wildlife, despite the existence of widespread gaps in their implementation at the national level.

The early international instruments dealing with the problem, such as the International Convention for the Protection of Birds (1950) and developing scientific programmes under the aegis of IUCN and TRAFFIC, further shows that the regulation of wildlife utilization and monitoring of international trade is long overdue. Current research is also increasingly highlighting the need for scientific data to be embedded along with trade monitoring tools and community participation in the implementation of MEAs, in order to enhance the outcomes of compliance and enforcement.

Recent scholarship is also concerned with the socio-legal challenges that impact on the effectiveness of MEAs, such as the lack of political will or the lack of institutional capacity, for example, or low public awareness, as well as inconsistencies in national legislation reaffirmed in the empirical findings of this study. Many authors suggest that MEAs, as they are a good structure, are undermined by their poor on the ground enforcement, lenient penalties and low conviction rates - particularly in developing countries where resource constraints are acute. Non-governmental organisations such as WWF, the Wildlife Protection Society of India, IUCN and TRAFFIC are known in the literature to bridge some of these implementation gaps through conservation programmes, legal training, trade monitoring and awareness programmes.⁵ Their contribution adds to a growing consensus that MEAs cannot prevent wildlife crime without strong support from civil society, scientific bodies and local communities.

Overview of Key Multilateral Environmental Agreements (MEAs)

Convention on International Trade in Endangered Species:

Convention on International Trade in Endangered Species, referred to as CITES. It is an international agreement among nations that, through the framework of global wildlife trade, protects more than 35,000

species of plants and animals. Currently, it has 185-member nations.⁶ It provides a legal framework through which more than 38,000 species of wildlife, both plants as well as animals, are protected. This is achieved through certain restrictions imposed on their trade. There are three appendices that include species protected by CITES, with levels of their protection dependent on their threat levels. It is not an international law that supersedes national law, but it is binding among the nations that signed it since it must be implemented by the nations through their national law.

Convention on Biological Diversity (CBD)

The CBD is a wide-range ecosystem oriented treaty, which addresses conservation of biological diversity, sustainable utilization of natural resources and equitable sharing of benefits accruing out of genetic resources. It was adopted in the Rio Earth Summit in 1992 and it acknowledges biodiversity as a key to ecological health, human well-being and long-term sustainability. This requires the nations to formulate national biodiversity policies and ensure conservation has been incorporated in policy and governance frameworks.⁷ The opponents of the CBD however, censure its nonspecific commitments, lack of effective compliance frameworks as well as its dependence on national political commitment which in most instances undermines it in its fight against wildlife crime.

Convention on the Conservation of Migratory Species of Wild Animals (CMS)

The Bonn or Convention on Migratory Species is designed to protect migratory species crossing between international borders in their various life stages. It has over 120 state members but puts emphasis on a globally coordinated action for the protection of migratory routes, breeding grounds, feeding areas, and habitats. For species-specific or region-specific conservation, the convention facilitates agreements or memoranda of understandings among range states.⁸ Although CMS was an ecologically important treatise, it is equally limited in being an enforceable agreement due to its underfunding and its insufficiency in engaging certain key range states, limiting it in breadth from comprehensively addressing transboundary wildlife crime.

⁵Supra note 3.

⁶Mozer, A. (2019). An introduction to illegal wildlife trade and its effects on biodiversity and society. *Biodiversity and Conservation*, 28(9), 2311-2323.

⁷Ibid.

⁸Shepherd, C. R., & Nijman, V. (2008). The trade in bear parts from Myanmar: An illustration of the ineffectiveness of enforcement of international wildlife trade regulations. *Biodiversity and Conservation*, 17(1), 35-42.

The Ramsar Convention on Wetlands of International Importance

The Ramsar Convention was established in 1971 and has been an international framework for the conservation and wise use of wetlands ever since. Wetlands are considered crucial habitats for many species of migratory birds, amphibia, fish, and plants, most of which are vulnerable to illicit exploitation and trade. Ramsar encourages countries to designate wetlands of international importance, with management plans developed to maintain ecological character. While the convention plays an important role in the protection of their habitats, enforcement remains primarily at the national level, often hampered by limited resources, lack of monitoring, and gaps in national wetland policies.⁹ It would, therefore, still be weakened to deter habitat-related drivers of wildlife crime.

Convention on Wetlands of International Importance Especially as Waterfowl Habitat: Provides a basis for the conservation of wetlands and their resources and their sustainable use. Currently, there are 169 parties to the Ramsar Convention. This meeting occurred on February 2, 1971, and the Ramsar proposal was adopted through an intergovernmental agreement at Ramsar, Iran. Currently, there are 152 parties to this convention, which came into existence in 1971 but entered into force in 1975. Headquartered in Switzerland's Gland is the Convention on Wetlands secretariat. It is through the International Waterfowl Research Bureau (IWRB) that the IUCN provides technical assistance for the establishment of wetlands of significant importance at the national levels. Article 3 states that wetlands of the following type should be given special consideration: Wetlands that support a locally significant number of waterfowl.¹⁰

International Convention for the Protection of Birds, 1950:

A convention was formalized on an international level to protect certain species of birds in order to reduce the falling number of migratory birds. This convention was adopted by member nations on December 18, 1950, in Paris, France. This convention basically aimed to protect endangered species throughout the whole year as well as protect all bird species while they are migrating to their nesting places.¹¹ It was also suggested that measures should be taken to ensure that capturing young birds or damaging or poisoning their eggs or shells is completely stopped. It was suggested that any methods of capturing

the birds should be stopped; for example, no use of snares, nets, poisonous baits, blinds, or other blinds with decoy birds should be allowed. It was also suggested that each of the parties should make a list of birds that could be hunted or killed through this convention. All parties should make efforts to spread the significance of protecting birds among the public as well as children to ensure that they do not get harmed by poisons, electric wires, water, or pesticides.

SSC/IUCN Wildlife Trade Program:

The SSC/IUCN Wildlife Trade Programme works towards helping with the conservation of wild species that get traded by understanding the implications of trade on species' status and developing relevant recommendations or conservation plans. More than 12 years back, Species Survival Commission (SSC) of United Nations Convention on the Conservation of Wild Species in Trade initiated their efforts. To enhance the role of SSC scientifically in CITES (Convention on International Trade in Wild Fauna), the program initially operated under the supervision of the Trade Specialist Group. and then as the SSC Secretariat-led coordinated Wildlife Trade Programme. Gradually, it has broadened its focus on various matters related to trade.¹² This program has given significant importance to species that are potentially threatened by trade and finding effective ways out for such species. It is a testament of collaboration with various Specialist Groups to provide significant importance to prioritize species for conservation action and observe species' trade status too. Finally, the result is conveyed to the decision-makers in the global conservation community. Therefore, this program fosters a significant exchange of information between scientists and decision-makers in both directions. The TRAFFIC Network, the other organization partnered with the Wildlife Trade Program, works with it. SSC formally declares TRAFFIC as their sole source of information about trade data, while TRAFFIC declares SSC as their sole source of information about biological species.¹³

Effectiveness of MEAs in Combating Transboundary Wildlife Crime

A critical evaluation of MEAs reveals that although the latter internationally play a critical role in terms of offering the frameworks in biodiversity conservation as well as in regulating the trade in wildlife, their practical

⁹ *Ibid* at 42.

¹⁰ Prasad, R., & Rausser, G. (2018). The economic of wildlife trade and consumption. *Journal of Environmental Economics*, 92, 137-155.

¹¹ *Ibid*.

¹² Rana, A. K., & Kumar, N. (2023). Current wildlife cri

me (Indian scenario): Major challenges and prevention approaches. *Biodiversity and Conservation*, 32(4), 1473-1491.

¹³ *Ibid*.

involvement in fighting transboundary wildlife crime is even today heavily constrained by a number of structural and functioning concerns. CITES, CBD, CMS and Ramsar Convention are the instruments that set the legal foundation to the cooperation between states, introduce standards to protect the nature and demand that states should use natural resources sustainably.¹⁴ Agreements like CITES have been used to support international listing of species, trade control and coordination. Mechanisms that include, e.g. trade suspensions with non-complying parties illustrate their power to pressure states in groups. Whatever the case, the difference in the national application, interpretation of the law, and absence of harmonized enforcement tools in various jurisdictions limit the real effect of MEAs on the reduction of the wildlife crime. Such agreements are legally binding but the application of these agreements is entirely at the domestic legislative level and the political will and as such, massive differences exist in terms of compliance and this provides a lot of loopholes to the criminal networks.

Another significant weakness of MEAs is that they are too-vague in their definition, commitments, and enforcement mechanisms. Survey findings of this research indicate that MEA provisions are either ambiguous or partially so to the stakeholders; this also indicates the way in which the countries may find it challenging to convert MEA treaty language into binding national regulations.¹⁵ A lack of resources, insufficient training of personnel, and poor coordination between such institutions of enforcing such regulations is a common problem in many national agencies, which further sabotages the operationalization of MEA commitments. The differences in implementation are further exacerbated by disproportions in the manner in which various nations can exercise their technical capacity, specifically between the Global North and South, since most of the nations with the highest rates of biodiversity are usually those with the worst funding context and which are the worst hit due to poaching and illicit trade. Furthermore, MEAs also tend not to specify punitive action or direct compliance, but instead they refer to reporting requirements and voluntary cooperation, which is too weak to deter more complex transnational organisations involved in wildlife trafficking. Stakeholders surveyed in the empirical section of this study have reported testimonies of low

conviction rates, lenient sanctions and extremely low deterrent effects.¹⁶

The other essential problem is that the MEAs require political will which appeared as the most important limitation of the implementation in the answers of the survey. Wildlife crime is in most cases a second priority behind other priorities in the country and as a result, there is a lack of enforcement, uncommon prosecution and poor interagency coordination. MEAs require domestic laws by states and resource commitments but in the event of lacking political intentions, there is a lack of strong implementation. This reduces the overall effectiveness of MEAs since the wildlife criminals are able to take advantage of the weak links in the enforcement chain across the world. Another reason why MEAs are frequently slow in adopting new threats is the emergence of online wildlife trafficking, synthetic derivatives of wildlife products, and fast-evolving criminal networks.¹⁷ The scientific and technical support may be offered in the initiatives like the IUCN/TRAFFIC Wildlife Trade Programme, but the recommendations have not been steady in countries.

Nevertheless, in spite of all these complications, MEAs still remain centrally placed in establishing global biodiversity governance agenda through promoting international collaboration and standard-setting, such as species protection. Their effects are further improved by the efforts of non-governmental organisations such as WWF, WPSI, IUCN and TRAFFIC among others that bridge the gaps regarding awareness creation, research, monitoring as well as offering complements of the actions needed in terms of enforcement.¹⁸ However, the achievements of MEAs are conditioned by the need to advance the national implementation frameworks, make the legislation clearer, better cross-border enforcement mechanisms, increase technical and financial capacity, and uphold political will. Without them, MEAs can perhaps act as the well-intentioned but ill-designed tools, thereby dulling their possible purpose in defeating the escalating level and rate of transboundary wildlife offenses.

Case Studies on MEA Effectiveness in Combating Transboundary Wildlife Crime

Case Study 1: The African Elephant and the CITES Ivory Trade Ban¹⁹

(Doctoral dissertation, University of Sheffield).

¹⁶*Ibid.*

¹⁷Nuwer, R.L. (2018). *Poached: Inside the dark world of wildlife trafficking*. DaCapo Press, pp. 1-272.

¹⁸*Ibid* at 164.

¹⁹Wyatt, T. (2013).

¹⁴*Supra* note 2 at 1658.

¹⁵Van Asch, E. (2020). *Exploring the effectiveness of international cooperation to combat transnational organized wildlife crime: Lessons learned from initiatives in Asia*.

One of the most frequently mentioned illustrations of the strengths and weaknesses of CITES would be, arguably, the African elephant crisis. In 1989 when the African elephants were placed in the Appendix I of the CITES, it was in effect a global ban on the international ivory trade. Following the listing, the populations in East Africa started to recover, which proves the fact that strong MEA regulations can definitely have positive effects under the condition of their support by enforcement. But CITES eventually permitted limited sales in 1999 and 2008 at the pressure of Zimbabwe, Botswana, Namibia, and South Africa of some variety of ivory in the form of a one-time sale. The illegal sale of ivory under such derogations was accompanied by a peak in the scale of illegal ivory trade, revealing one of the most serious weaknesses of the regulation of MEAs-legal derogations open new markets and give an air of legitimacy to the illegal trade. This has been supported by a lack of enough national enforcement, corruption and loose border controls all over board. As can be seen through this example, though CITES, as long as it is uniform and coordinated in its implementation by all member countries, would stop illegal trade, it remains highly dependent on it.

People like him were the ones who made Democrats feel like they were surrounded by a legal system that appears to be structured against them.

Case Study 2: The Pangolin Trade and CITES Appendix I Listing (2016)²⁰

Having been in demand in the East and Southeast Asian markets in their scales as well as meat, pangolins are one of the most trafficked mammals in the world. All the eight species of pangolins were included under CITES Appendix II until 2016 that allowed the regulated trade. Nonetheless, uncontrolled trafficking, lax supervision and laundering of contraband products under license led to the loss of people in both Africa and Asia. CITES in reaction raised all the pangolin species to Appendix I, which prohibits international trade. The data related to post-listing seizures showed an improvement in enforcement awareness, which did not significantly decrease the level of trafficking since high demand, corruption, and possibility to cross syndicates contributed to the continuation of trafficking. It is also demonstrated in the case that although the inclusion of the species on CITES list is a powerful means of protecting these species, the trafficking cannot be

Wildlifetrafficking: A deconstruction of the crime, the victims, and the offenders. Palgrave Macmillan, pp. 1-192.

²⁰*Ibid* at 154.

²¹Mozer, A. (2019). An introduction to illegal

prevented through a legal prohibition unless the national laws are robust, the monitoring is intensified, and the cooperation between the cross-border enforcement operations is properly organized.

Case Study 3: The Snow Leopard and CMS Regional Cooperation²¹

Snow leopard, which lives in the mountainous region of Central and South Asia, has been taken as a flagship species as far as the importance of CMS on migratory species is concerned. As snow leopards go through 12 countries, trans-boundary cooperation has been encouraged by CMS which has been documented in projects like the Global Snow Leopard and Ecosystem Protection Program (GSLEP). It is through this program that the sharing of knowledge, protection of the habitat and combined patrolling is possible among the range states. Even though poaching of fur and bones is still practiced in some areas, CMS helped enhance the monitoring and increased cooperation-a requirement in safeguarding the species the habitats of which are not limited by borders. The case illustrates how MEAs can be used to construct long-term conservation systems even when wildlife crime reductions are not determined in the short run.

Case Study 4: Unlawful Trade in Wetland Bird in India and the Ramsar Convention²²

Illegal hunting and trade in birds has been a chronic problem in various Ramsar sites in India including Keoladeo National Park and Chilika Lake. Although the Ramsar Convention is binding to conserve and manage wetlands, absence of practicing these agreements at national level has led to the degradation of the habitats and encouragement of unsustainable level of hunting. Migratory bird poaching continued to take place even with Chilika Lake being designated under Ramsar due to ineffective enforcement mechanisms, lack of sufficient resources to patrol the lake as well as lack of awareness at the community level. Later Odisha Forest Department and the NGOs, as well as creation of awareness generated the department, enhanced protection as time went on. This case can be used to highlight the weakness of the habitat-centered MEAs to minimize wildlife crime without being supplemented by the relevant legal action and enforcement.

wildlife trade and its effects on biodiversity and society. *Biodiversity and Conservation*, 28(9), 2311-2323.

²²*Ibid*.

Case Study 5: Rhino Poaching in Southern Africa and Failures of Cross-Border Enforcement²³

A very graphic case of the ineffectiveness of MEAs such as CITES due to insufficiency of harmonized legal frameworks is rhino poaching in South Africa and Mozambique. In spite of the fact that both countries are signatories to CITES, penalties were not always enforced and cross-border collaboration was inefficient, which allowed criminal gangs to take all the chances- poachers would kill rhinos in South Africa and run across the unprotected border to Mozambique. South Africa, having more serious sentencing laws was compared with Mozambique, which had traditional lenient laws to offer a safe haven to the traffickers. The tide of cross-border poaching was only brought under control when Mozambique strengthened its laws on wildlife in 2014 and solidified the ranger forces. What occurred here is that MEAs cannot be effective without legal integration and systematic coordination of the other states.

Case Study 6: MEAs and Wildlife Trafficking Online and limitations²⁴

Nevertheless, enhanced MEA structures have practically witnessed the beginning of the trade of illicit wildlife on the virtual platform, especially the social media and encrypted messaging applications. The specifics of CITES were never intended to deal with digital markets, where traffickers can sell ivory, tiger parts, exotic birds and reptiles to the interested parties using anonymous accounts and coded messages. Such international organizations as INTERPOL, TRAFFIC, and the Global Coalition to End Wildlife Trafficking Online, however, have since begun to oversee frameworks; nonetheless, MEAs do not demand mechanisms that directly permit regulation of e-commerce platforms or digital compliance. As it has been demonstrated in this case, technological changes may out-run treaty structures in a race, and the practicality of MEAs is technically diminished unless they are modified to encompass cyber-monitoring and digital regulation mechanisms.

India Domestic MEAs Implementation Case Study - The Tiger Protection Model²⁵

²³

INTERPOL.(2015).Wildlifeandorganizedcrime:Tacklingtransnationaltrafficking.*EnvironmentalCrimeCommittee*,1(1),1-36.

²⁴Supra note 19.

²⁵Ibid.

India therefore presents a good model of MEA compliant domestic laws enhancing enforcement to wildlife crimes. CITES simply controls international trade whereas the Wildlife Protection Act, 1972, one of the most powerful domestic wildlife laws in the world, gives full effect to MEA commitments by offering unconditional protection to tigers, outliving trade, special agencies established to enforce the act and Project Tiger that has created tiger reserves. The decrease in poaching in the time interval between 2010-2018 and the increase in the number of tigers is the testimony of the effectiveness of well-established national regulations, along with MEAs and NGO alliances, such as the one between the WWF and WPSI, to attain measurable conservation outcomes. However, the fact that organized tiger trafficking organizations persist undergoes the testimony of the fact that MEA success presupposes making changes in response to evolving conditions, enforcement based on intelligence, and international collaboration.

Multilateral Environmental Agreements (MEAs) Strengths and Weaknesses

Introduction of International Law

The MEAs include the CITES, CBD, CMS, and Ramsar, which guarantee internationally agreed rules and commitments that outline the conduct of states in the protection of biodiversity and regulating trade in wildlife. These models can be used to harmonize conservation agendas among countries and offer an equal measure by which states can run their policy-making.

Fostering International Cooperation

The MEAs can help in bringing the countries to act by sharing information, collaborating in research, and mutual reporting as well as coordinated enforcement. In cases where species cross international frontiers during their yearly migrations or even through trade, these conventions like Convention on Migratory Species and Convention on International Trade in Endangered Species offer a crucial platform on which species conservation initiatives are undertaken in cooperation.²⁶

²⁶Kamath,V.(2012).Proximity andsizeof protectedareasinAsianborderlandsenable transboundary conservation. *Journal of Conservation Biology*, 16(4), 853-863.

Capacity to track and control trade of wild animals across the world.

More to the point, but more importantly, CITES offers a systematized system by way of its different appendices and permit system to regulate international trade. Its action to sanction states that have entered the non-compliance by trade suspensions have proved to be successful in some cases, which proves the effectiveness of collective pressure of international action.²⁷

Standard-Setting and Norm Creation Role.

MEAs also assist in developing international standards regarding nature protection, sustainable utilization, protection of habitats, as well as species management. The normative power of such agreements is a source of motivation to the states to come up with tougher domestic laws and environmental policies even when the enforcement is variable.

Assimilation of Scientific Knowledge.

In fact, most MEAs consult scientific committees, expert groups and NGOs, such as IUCN and TRAFFIC, in giving data-backed recommendations. This enhances evidence based decision making and that treaties that are updated issue relevant ecological realities.

NGO and Civil Society support.

MEA is supported by the contributions made by WWF, WPSI, and TRAFFIC that includes research, community engagement, capacity building and anti-poaching activity, among others. Moreover, this type of cooperation goes far in sealing the existing enforcement gap in most countries.

Weakness²⁸

Although MEAs are considered to be legally binding, their implementation is entirely based on national laws. The disparity in legal frameworks, political interests and administrative capacity results in a laxity in compliance between nations, and therefore lowers their overall effectiveness. This fact is confirmed by the survey data in your study which mentions a common understanding of ambiguous commitments and inconsistent standards of implementation.

Most of the MEAs lack clauses of binding enforcement and penalties in the event of non-compliance. As an example, CITES does not directly take control of

violations, but rather relies on the states Parties to control themselves. This opens up opportunities to be exploited by the criminal circles in case of laxity in enforcement and regulatory loopholes.

Most countries that have biodiversity are just unable to access the financial and technical resources not to mention the human resources to ensure that these MEAs are well enforced. Poor border control, ineffective training of the enforcement officers, and deficiency in forensic abilities restrain them in the investigations and prosecutions of wildlife crimes.

Wild life crime is commonly considered a low priority crime thus being given less harsh penalties that are administered without the influence of effective deterrents. In fact, this tendency is also reflected in your survey results as a significant number of participants in it evaluated penalties and conviction rates as insufficient, non-uniform, or not up to the mark.

It is usually reflected by stakeholders that MEA provisions lack clarity making the task of countries more difficult in attempting to devise specific legislation and enforcement policies. Absence of clarity in principal terms, including what is meant by sustainable use, or adequate protection, leads to national legislation which is inconsistent and even ineffective in some cases.

And, as a matter of fact, the success of the MEAs falls on the national political commitment, which is erratic indeed. Wildlife crime in most countries is a poor priority in political agenda and therefore a poor distribution of resources, poor enforcement and poor compliance in its implementation has been found to be the biggest challenge in your survey.

Online wildlife trafficking, synthetic wildlife products, and fast technological changes used by traffickers are the emerging kinds of wildlife crime MEAs are usually lagging behind the curve. These institutions are anchored on the past, which requires their structures to be changed continuously.

The global differences in sentencing, enforcement effort, and investigative capacity provide opportunities to the wildlife crime syndicates. The lack of coordinated laws and intelligence exchange allows traffickers to easily switch routes to jurisdictions with weaker laws.

The NGOs and other stakeholders and their role in combating Transboundary Wildlife Crime

rhinoceros. Columbia University Press, pp. 1-204.

²⁸*Ibid* at 199-201.

²⁷Dinerstein,

E.(2003).*The return of the unicorns: The natural history and conservation of the greater one-horned*

The NGOs and other stakeholders appear to assist in supplementing, facilitating and in most cases empowering implementation of MEAs intended to tackle transboundary wildlife crime. Although MEAs provide the legal and institutional structure of the protection of species and the cooperation among the countries, the input of NGOs, civil society organizations, scientific institutions, ministries of enforcement, and local communities, finally transforms these commitments into practical field outcomes.

Role of NGOs

World Wide Fund for Nature (WWF)

WWF has massive involvement in the key areas that touch on the conservation of biodiversity, mobilization of communities and advocacy on policies. WWF tracks wildlife, conducts anti-poaching exercises, engages in other sustainable development projects, environmental education and restoration of habitat. MEA objectives are enabled under all WWF initiatives by raising awareness, connecting government and communities and research that informs policy reform. The latter science-based interventions can help a lot in improving enforcement mechanisms and compliance-based provisions of CITES and the CBD.²⁹

One of the major NGOs that intervene actively as part of the strategy against the crime of wildlife involves WPSI in India. It facilitates the enforcement agencies to trace illicit trade, generate records of crimes of wildlife, track cases of poaching and also assist in legal procedures. WPSI also conducts capacity building on the implementation of wildlife law to close the knowledge gaps which impede effective implementation of MEA. On-ground intelligence and the cooperation with the state forest departments have had a direct effect of dealing with organised networks engaged in poaching.³⁰

TRAFFIC, in collaboration with the IUCN Species Survival Commission, therefore plays an important role in developing scientific understanding on the issue of species threatened by illegal trade. The organization tracks world trends of wildlife smuggling, conducts market research and provides technical guidance to CITES Parties on the basis of which the decisions are taken. TRAFFIC also collaborates with the customs, border agencies, and even digital platforms in its quest to curb the trade of wildlife using electronics. Its evidence-based review can be used to develop the high-

risk species and trade routes to improve enforcement response at the international and national levels.

The administration of MEAs is also a primary role of the government by creating and enforcing laws, resource distribution, and the enforcement of and successful prosecution. The enforcement agencies are forest departments, wildlife authorities, customs, police, and in some cases, special agencies, such as the WCCB of India which collaborate to detect and investigate trafficking activities and destroy networks. The ability to implement the laws is however weak as demonstrated by various survey results due to scarcity of resources, political limitation and inadequate institutional structures. Given the high dependence of MEAs on the sound domestic structures, the goodwill of individual governments is deemed to have great significance in the successful implementation of the MEAs.³¹

The local communities play a significant role as a frontline in the process of conservation especially in places bordering the protected areas. They are important in keeping track of the flow of wildlife and ensuring illegal actions are reported, and conservation programs based on livelihood minimize the motivation to poach and destroy places. The concept of community engagement and traditional knowledge has become a significant part of biodiversity governance in most MEAs, such as CBD and CMS. NGOs also implement community-level programs which may be alternative livelihoods, wildlife and human conflict mitigation and community-based education on wildlife crime ecological effects.

International agencies such as UNEP, INTERPOL, UNODC and World bank also help in the enforcement of the MEAs by offering technical assistance, international sharing of intelligence and promoting global collaboration. An example is the Wildlife Crime Working Group of INTERPOL, which facilitates the coordination of multi-country operations that lead to the destruction of trafficking networks, and UNODC, which provides legal assistance to harmonize the laws concerning wildlife crimes in the UN Convention against Transnational Organized Crime.³² These types of organizations serve to seal the enforcement gaps and strengthen the international system of governance.

The input of researchers and academic institutions includes the production of ecological information, species evaluations, policy evaluation, and creation of

²⁹Mozer, A. (2019). An introduction to illegal wildlife trade and its effects on biodiversity and society. *Biodiversity and Conservation*, 28(9), 2311-2323.

³⁰Supra note 2.

³¹Supra note 33.

³²Felbab-Brown, V. (2017). *The extinction market: Wildlife trafficking and howto counter it*. Oxford University Press, pp. 1-328.

forensic mechanisms to determine trafficked species. They use their researches to update MEA and CITES lists as well as national protection. Academic literature also influences policy discussions on those who support and criticize and improves knowledge of the socio-economic aspects of wildlife crime.

Although NGOs and stakeholders play a very significant role in enhancing implementation of MEAs, they always have limited influence due to minimal funding, dependency on voluntary cooperation and absence of representation in formal MEA processes. Moreover, the cooperation between stakeholders and the government is not always fully operational; the interagency barriers, political sensibilities, and access to the secured areas might limit cooperation.³³ Nonetheless, collaboration among MEAs, nongovernmental organizations, local populations, and policing entities is an unconditional need when working to combat the new and more complex form of transboundary wildlife-related crime.

International cooperation is imperative for ensuring support in implementing the CITES regulations, as is ensuring that there is coordination between institutions and that there is communication with other signatories of the CITES convention. However, for other states, support could be undermined by more ordinary issues besides the lack of institutional and political support. Firstly, there should be emphasis on the functionality of the CITES platform, especially for large states as well as for people who speak English. One of the major challenges for other states is the issue of language. It is important that engaging with an open cross-border discussion should be a high-order agenda for consideration when addressing such a real-world issue hindering international cooperation. In order to tackle wildlife crime effectively, it is important for criminologists and conservationists to work hand-in-glove to identify loopholes in the current legislation of the CITES framework. Indeed, the effectiveness of the CITES agreement in terms of preventing or reducing the smuggling of endangered species through trade remains uncontented despite its numerous flaws. One of the major factors that make the effectiveness of the CITES agreement more enhanced is the suspension of trade in CITES species for states that do not comply with adequate legislation. Legislation would indeed play an excellent role in promoting public awareness of wildlife crime, as is recognized in the current UNODC study, but it is important that law enforcement prioritization is accessed. Sadly, signatories of the CITES agreement in the source, transit, or destination states may not

necessarily afford the capability to improve law enforcement capacities.

Role of Non-Governmental Organisations in Dealing with Wildlife Crime

Being a science-based organization, WWF India focuses on a spectrum of issues, such as climate change, water issues, environmental education, and conservation of species and their habitats. Their perspective has broadened with time to accommodate a more encompassing understanding of the varied issues of conservation that the country is challenged with, as it relentlessly endeavors to work for the promotion of environmental conservation by engaging with various stakeholders such as governments, non-governmental associations, institutions of learning, companies, students, and other individuals. Moreover, by protecting biotic diversity, ensuring that the utilization of renewable natural resources is sustainable, and promoting measures for lessening pollution, as well as wasteful consumption, we can actually stem the current decline in the environmental health of the planet and ensure a better life for people with the planet in a peaceful coexisting relationship. World Wide Fund for Nature-India (WWF India) was formed purely with the aim of protecting the country's wildlife and natural surroundings. WWF India was formed on November 27, 1969.³⁴ WWF India continued with their emphasis on the conservation of wildlife and the environment. Our efforts proceed with progress in various areas such as educational developments, agricultural sustainability, protecting our seas, businesses adapting to better approaches on the issue of conservation, encouraging citizen support for positive actions for the planet, among other areas, despite the fact that conservation for tigers,

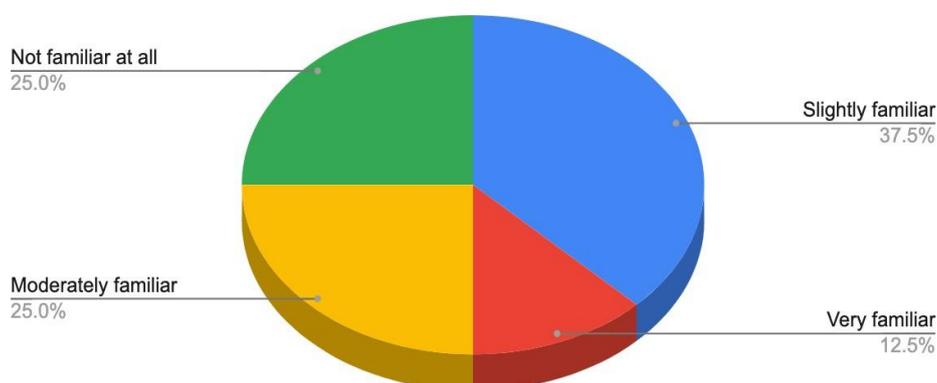
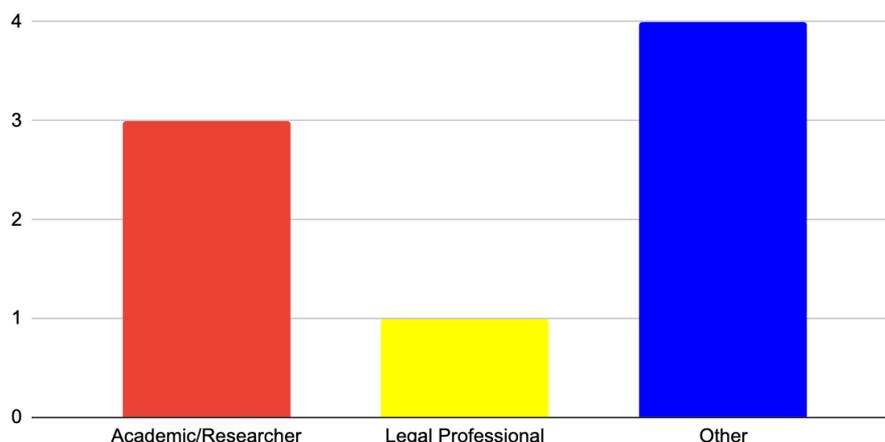
³³Supra note 19.

³⁴Baig, M. Y. (2013). The future of wildlife

conservation in South Asia. *Journal of Threatened Taxa*, 5(15), 4933-4941.

among other key species, continues to remain at the center of what WWF India does.³⁵

The given bar chart shows the number of people for various primary roles or positions. It is clear that ‘Other’



Moreover, the Wildlife Protection Society of India is formed basically for highlighting the critical issue of the escalating wildlife crisis in India, including the issues of poaching, as well as abuse of zoo and wildlife sanctuary animals. This organization has stretched its borders as well as is struggling for the realization of animal rights. It assists the governing authority in this regard as well.

Their efforts to combat poaching, monitor the progress of illegal activities in forests, zoos, wildlife sanctuaries, and biosphere reserves, take appropriate steps in the event of an incident related to an animal-human conflict, and work to safeguard endangered wildlife species. Through conducting workshops on the topic of Wildlife Law Enforcement, providing detailed information related to wildlife cases through the Wildlife Crime Database, conducting legal programs for helping registration of cases related to poaching, encroachment, as well as other penal activities, and promoting various conservation efforts implemented by state governments, the society helps the respective state governments.

What are your current primary roles/position?

has the maximum number of people with 40 in total. Next is ‘Academic/Researcher’ with 30 people. Finally, ‘Legal Professional’ is the one with the least number, with only 10 people. This observation shows that the maximum number of people in the surveyed lot fall into the other roles other than academic/research roles, while research roles are major too. In contrast, legal professionals are least in number.

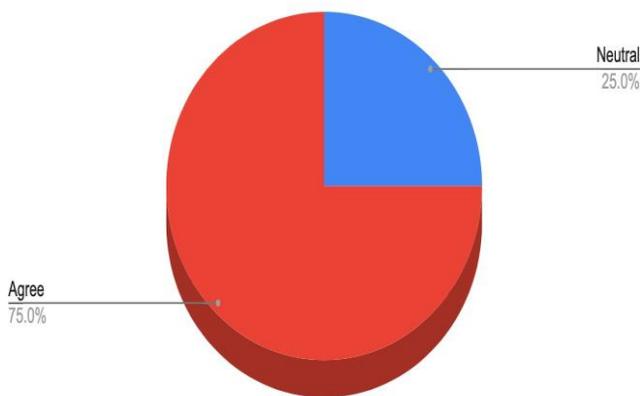
How familiar are you with key elements of the CITES agreement?

This pie chart shows the self-assessment of familiarity with important provisions as well as the objectives of the CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) among the respondents. A significant number of the total respondents, that is, 37.5%, were found to be ‘Slightly familiar’ with the important provisions of the CITES. Notably, almost an equal number of the total respondents, that is, 25.0%, were found to be either ‘Not familiar at all’ or ‘Moderately familiar’ with the important provisions of the CITES. Only 12.5%, that is, the least number of the total respondents, were found to be ‘Very familiar’ with the important provisions of the CITES.

³⁵ *Ibid.*

In total, it would appear that while there is some degree of familiarity (slightly to moderately familiar) with the group, there is also a substantial group that is not familiar at all with it. Only a small percentage claim to be very familiar with CITES. This reflects a degree of familiarity with CITES among the group surveyed that is likely limited to slightly to moderately familiar.

How far do you agree with the statement: “Multilateral Environmental Agreements (MEAs) offer a crucial framework for dealing with cross-border wildlife crimes.”?



This pie chart presents data about the answer to the statement: “Multilateral Environmental Agreements (MEAs) provide a neutral.” An overwhelming number of 75.0% of the respondents are in agreement with this statement. The other 25.0% of the respondents were in the “Neutral” category. This means that they do not agree nor disagree with the statement. There are no answers for other disagreeing statements like “disagree” or “strongly disagree.” This data clearly indicates that the surveyed population is positive about the presence of Multilateral Environmental Agreements with three-quarters of the surveyed group agreeing on the statement that Multilateral Environmental Agreements provide a much-needed service. A quarter of the surveyed group is neutral about this statement, but no one disagrees with it.

How clear is the definition of wildlife crime in MEAs for implementation by nations? The pie chart is an example of how clarity and definiteness of definitions or commitments in Multilateral Environmental Agreements related to wildlife crime are viewed or seen. A total of 62.5 percent of the respondents had a “Neutral/Mixed” attitude, which indicated that they did not have any strong feelings either way or maybe no clear feelings at all. One-fourth of the total number of respondents (25.0 percent) thought that the

definitions/restrictions were “Moderately Clear.” The smallest group of 12.5 percent thought that the definitions/restrictions were “Very Clear.” Taken together, it would appear that there is a perception that a large proportion of respondents feel that the definitions and commitments in MEAs that relate to wildlife crime could be better, in that they do not regard them as being clearly clear, with a significant number of respondents expressing a more ambivalent view. A few believe that they are fairly clear, but very few believe that they are very clear. What are the major obstacles that your country faces in the national application of MEA provisions on wildlife crime? Pie Chart:

This pie chart shows the major challenges that were found in the national implementation of MEA provisions for wildlife crime. The biggest challenge is shown by the biggest piece of the pie chart. This piece is for “Addressing one of the significant challenges, as shown by 37.5% of the observations, is “Lack of political will.” This means that despite having sufficient legal systems or technical capacity, political will can be a significant hindrance to overcoming them. Next are two other challenges: “Low public awareness” and “Insufficient legal framework,” both of which contribute 25.0% to the study. This is an important observation since public unawareness of the issue or loopholes in the existing legislative systems could be major deterrents. Finally, the least observed primary challenge, with 12.5%, is “Limited technical capacity.”

Recommendations

Some of the specific suggestions are based on the MEA framework analysis, national implementation issues, survey feedback, and case studies on how to improve effectiveness in acting against transboundary wildlife crime through MEAs. To begin with, it is necessary to enforce and also harmonise national laws concerning wildlife among the member states of MEAs. Unequal punitive measures, definitions, and enforcement guidelines leave loopholes that are readily used by the traffickers. There should be standardized sentencing, close the loopholes, and complete compatibility of the domestic laws with the CITES, CBD and CMS requirements. This involves the revision of old laws, clarification of treaty terms, and the introduction of legal norms that would leave no room to ambiguity in the interpretation—a problem that most respondents who considered MEA obligations ambiguous or only moderately so, were referring to.

Second, the application of MEAs should be supported with the amplified enforcement capacity on the national and cross-border levels. Numerous nations are in dire need of skilled human resources, forensic equipment and

information technology capable of countering the resources used by well-structured wildlife crime rings. Enforcement capacity building involves the building of capacity building programs, advanced technologies such as DNA forensics, state of the art and digital permit system, and front line equipment to monitor custom, forest departments and specialized wildlife crime unit. Inter-regional cooperation in terms of joint patrols, intelligence sharing agreement and coordinated investigations should be institutionalized in a way that would ensure smooth cross-border enforcement.

Thirdly, to address the issue of the high failure rate of political goodwill, there is the need to take deliberate actions to put wildlife crime in the national security and economic jeopardy to ensure that governments prioritize consistency in priorities. The first step would be to include wildlife crimes in the anti-corruption systems of different nations and make MEAs consistent with the UN conventions such as the UNTOC to enhance responsibility and make such crimes more serious. The urgency of the such measures is revealed by the results of the survey that pointed out the most significant challenge as the lack of political will.

Fourth, the significance of promoting community engagement and society awareness on how to address the causes of illicit wildlife trade must be improved. The local communities which are generally poor with a high rate of exploitation must be empowered with alternative means of livelihood, microcredit programs, education on sustainable management of resources, and other incentives that will help lower the level of reliance on poaching. The national MEA implementation frameworks should incorporate NGOs such as WWF, WPSI, TRAFFIC and community-based organizations more systematically because they are contributing largely on the aspect of education, enforcement support, and mobilization at the grassroots.

Pallavi Scopus Article (1)

Fifth, MEAs should respond to the new threats with additions of online trade surveillance and control. The spread of the e-commerce platforms and encrypted communication channels enabled IWT to flourish long after the frameworks of the traditional enforcement. CITES and other MEAs need to prepare explicit procedures of policing online markets, collaborate with technological firms in identifying illegal postings and promote digital monitoring of wildlife products.

More effective compliance mechanisms and transparent reporting systems would also substantially increase the effectiveness of the MEA. COPs ought to bear in mind the application of sanctions against consistent non-compliance in stages, external reviewing institutions, and peer review evaluation to examine the national execution. Accountability will also be enhanced by

increased transparency in reporting and third party audits.

Finally, it is necessary to increase government, NGOs, international organizations, scientific communities, and local community cooperation with each other by means of multi-stakeholder platforms that offer coordination in planning, information exchange and joint decision-making. Such a collaborative form of governance would mean that the MEAs would be operating within a setting that is not autonomous but collaborates with the scientific, social and enforcement systems in order to address the issue of wildlife crime in an acceptable manner.

In conclusion, it is evident that political will, or a lack thereof, is the biggest hindrance to the effectiveness of MEA in combating wildlife crime, followed by public or legislative factors, while technical capacities could be less significant factors despite being deterrents. In your country, do you regard the severity of the punishment (fines, jail term) for wildlife crimes sufficient enough to serve as a deterrent to cross-boundary perpetrators, consistent with the recommendation by MEA? This bar chart illustrates the perceptions about the sufficiency of either fines or prison sentences as deterrents for wildlife crime. It is evident that both “Moderately effective as deterrents” and “Neutral / Inconsistent” were opted by 30 people each. This forms an impression that there is some ambivalence about the effectiveness of the penalty. A substantial number of people, that is, 20, thought that the penalty is “Not a strong deterrent.” Thus, it is evident that there is no consensus about the effectiveness of the current penalty in deterring wildlife crime. Some people feel that it is moderately effective, whereas an equal number feel that it is not a strong deterrent, while a substantial number feel that it is not a strong deterrent. How satisfied are you with the rates of conviction of transboundary wildlife crimes in your country or state of practice, in respect of the severity of such crimes in line with the provisions of MEAs? Pie Chart: This is a pictorial representation that describes perceptions on the satisfactoriness of conviction rates for transboundary wildlife crime, in relation to the severity of the crime. Data is represented by an equal number of observations for each of the four alternatives. This implies that there is a completely divided opinion on the issue of the satisfactoriness of the current conviction rates for transboundary wildlife crime. This is evident by the fact that 25.0% of the observations fall in each of the four options or alternatives that were provided to the study participants. This implies that some people found it satisfactory, while for some, it was moderately or highly unsatisfactory, with a considerable percentage of people being indifferent to the issue. It can be concluded that for some people, the rates of conviction could be

seen as satisfactory, while for some, it could be viewed as moderately or highly unsatisfactory.

Conclusion:

Finally, the multilateral environmental agreements (MEAs) are valuable in the response of cross-reacting wildlife crime issues due to their ability to promote legal frameworks, motivation of interdependence, and responsibility among states. A lot is being achieved in regulating the cross-boundary trade of endangered species towards sustainable conservation practices using such instruments as Convention on Biological Diversity, Convention on International Trade of Endangered Species of Fauna and Flora (CITES), and other regional agreements. However, political goodwill, implementation capabilities, and legal harmonizations across the spanning states or countries are the final determination of the effectiveness of such instruments. Such drawbacks slow down the process of progress since the weaknesses of their implementation, the absence of the tools to implement them, and other gaps that the organized crime syndicates can exploit. Therefore, MEAs are still a very crucial tool of dealing with the problem of wildlife crime on the planet and their full utilization, as yet, will remain on the conditional of increased compliance, international cooperation, capabilities, and alignments with the corresponding domestic laws by such participants as states, international organizations, non-governmental organizations, etc. It is also necessary that the International institutions, together with the local communities, should be operating side by side to ensure that the wildlife crime is not only minimized but also eliminated across the borders. Although building legal tools, enhancing international cooperation, and ensuring responsibility to governments, multilateral environmental agreements, or MEAs, are crucial towards the global effort of cross-boundary wildlife crime, sustainable conservation of wildlife and regulation of global trade of endangered species among other conservation endeavors, legal instruments like the CITES and Convention on Biological Diversity have played a major part. But at the same time, political commitment, capability to successfully enforce such agreements, and standardization of legislation among the diverse nations that become signatories of an MEA are fundamental towards the success of such tools. Along the way, even with the progress, there are many factors that tend to frustrate the efforts made, and the factors may include the differences in implementation, ineffective implementation techniques, and loopholes still enforced to be used by well-organized criminal gangs engaged in wildlife crime. It is thus significant that more stringent mechanisms of adherence, improvement of cross-boundary cooperation, building of capacity, and efficient alignment of such agreements with national legislation are among the areas that are vital to the actualization of the potential of MEAs in the

international war against wildlife crime. Finally, to ensure proper reduction or overall eradication of wildlife crime that transcends borders, strict dedication of all stake holders in the different layers of governance including international organizations, non-governmental organizations and even the local society is essential

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N/A