

TRAFFICKING IN FAUNA AND FLORA: THE ILLEGAL TRADE IN WILDLIFE, ANIMAL PARTS AND PLANTS

UQ/U:VIE/UZH TRANSNATIONAL
ORGANISED CRIME PROGRAM 2018–19

SYLLABUS

Current as on 8 October 2018



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Course description

Short summary

In this course, students undertake directed research on selected issues on topics relating to transnational organised crime. In 2018–19 the focus is on trafficking in fauna and flora: the illegal trade in wildlife, animal parts, and plants.

The course is designed for students to conduct independent, guided research in an international context and to equip students with advanced research, communication, presentation, writing and team-work skills, specifically in this field of study. Students in this course gain a general understanding of the criminology, policies, and laws relating to this topic, liaise with key stakeholders in the field, and have an opportunity to present their research findings to an academic audience and publish their written material.

The joint Transnational Organised Crime program at the Universities of Queensland, Vienna, and Zurich

Purpose

The joint Transnational Organised Crime program at the University of Queensland (Brisbane, Australia), the University of Vienna (Austria), and the University of Zurich (Switzerland) involves an international network of emerging and established scholars working within a structured research and learning framework to produce high quality research outcomes on a topic of current, international concern. The research is coordinated by professorial and junior academic staff who guide and supervise undergraduate and postgraduate students who are engaged in research-based learning for academic credit.

The objectives of this initiative are to:

- Foster international research and learning cooperation and build strategic partnerships;
- Produce research outcomes (including presentations, books, articles, and websites) on topics of contemporary significance relating to transnational organised crime in the fields of criminal law, criminology, criminal procedure, international criminal law, and associated fields;
- Train undergraduate and postgraduate students in presentation skills, research techniques, academic writing and publication in their field of study;
- Build linkages between undergraduate, postgraduate, and doctoral students and academic staff, both locally and internationally, and create a continuing network of emerging and established scholars;
- Develop a recognised research capacity and an environment suitable for competitive grant applications and industry linkages;
- Promote higher research degree; and
- Enhance the undergraduate and postgraduate student learning experience.

Concept

Under the overarching theme of 'transnational organised crime', each year a specific research topic of particular significance is chosen by the programme coordinators. In

2018–19 the focus is on trafficking in fauna and flora: the illegal trade in wildlife, animal parts, and plants.

Each year a total of 18 students, six from each university, participate in, and complete the programme for academic credit. The participating students are supervised by a minimum of three academic staff who coordinate the teaching component of the programme, guide the research process, supervise the participating students, and, supported by other experts and guest presenters, deliver training on presentation skills, academic writing, and critical analysis of the literature in this field of study. At the end of the student learning component, the academic staff compile, edit, and publish the research outcomes.

Schedule and organisation

Students in the discipline of law (third year or higher) from the participating institutions apply for participation in the programme and will be vetted through a selection process, taking into account, inter alia, students' academic performance, prior research experience, foreign language abilities, and statement of interest.

Students choose and commence their research projects in October and for the following three months undertake research under the supervision of the academic staff and meet regularly to discuss their research process and gain additional research and presentation skills training. During this period, students work at their home university. In addition, an online platform is used to enable communication between all participants, provide access to key reading and learning material, and to share resources and research findings.

In February, students and academic staff from the three participating universities come together for a period of one week to present their research projects and initial findings, attend workshops and lectures by the academic staff and guest presenters, critique each other's work, and develop a research plan for the next phase of their projects. In February 2019, the joint teaching will take place at the University of Vienna between 4 and 8 February 2019. Student presentations (duration 50 mins each including presentation, discussion, and feedback) are graded according to academic standards (of their home institution). Students obtain extensive feedback with instructions for the further direction of their research projects.

From February until late April, students continue their research under the supervision of the academic staff and meet regularly at their home institution to further develop their academic writing skills and learn how to critically engage with the literature and develop observations and recommendations relevant to their projects. Students submit their research papers in early May for assessment by the academic staff.

In May and June, academic staff and students collaborate to edit the papers for publication and compile them in an edited book which will be submitted for publication.

Course coordinators and contact details

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Focus: Trafficking in fauna and flora

Introduction and background

Trafficking in fauna and flora includes the taking, trading (supplying, selling, trafficking), importing, exporting, processing, possessing, obtaining, and consumption of wild animals, animal parts, and plants in contravention of international or national law. Trafficking in fauna and flora accelerates the destruction of wildlife, forests, and other natural resources and contributes to environmental degradation. It also has a negative impact on biodiversity as it eliminates species, destroys many unique natural habitats, and deprives many countries and their populations of scarce renewable resources.

Trafficking in fauna and flora threatens the existence of many plant and animal species and the more endangered a species becomes, the greater is the commercial value that is put on the remaining specimen, thereby increasing the incentive for further illegal activities. The fact that some trade in fauna and flora is regulated while some trade is prohibited provides opportunities for circumventing relevant laws and regulations through false documents. The loss of income from the legal trade in plants, plant material, wildlife, and animal material erodes the revenues of governments and undermines their ability to implement development programmes and strengthen the rule of law. Where it is linked to organised crime, violence, grand corruption, or armed conflict, trafficking in fauna and flora can destabilise national governments and threaten regional security.

Combating the illegal trade in wildlife, animal parts, and plants is not presently a priority in many countries. Despite the actual and potential scale and consequences, trafficking in fauna and flora often remains overlooked and poorly understood. Wildlife and biodiversity policies, laws, and their enforcement have not, or not always kept up with the changing levels and patterns of trafficking in fauna and flora. Underdeveloped legal frameworks, weak law enforcement, and poor prosecutorial and judicial practices have resulted in valuable wildlife and plant resources becoming threatened, inter alia, by poaching, and the trafficking in animal parts, derivatives, and plant material. The high demand for wildlife, animal parts, and plant material around the world has seen large-scale criminal activity. Considerably cheaper than legally sourced material, the trade in illegal fauna and flora offers opportunities to make significant profits. The gaps in domestic and international control regimes, difficulties in identifying illegal commodities and secondary products, along with intricate trafficking routes have resulted in an inability to effectively curtail the trade. One commentator notes:

Wildlife protection legislation remains a low priority in most parts of the world, and non-existent in the rest of it. Enforcement of the few international treaties aimed at preventing trade in this macabre biological bazaar ranges from delinquent to derelict. In fact, customs officials in many nations are not inspecting for biological contraband or are untrained in detecting it. Similarly, wildlife inspectors and permit authorisation agencies in member nations often lack the training necessary to discharge their responsibilities [...]. The odds of getting caught are extremely low, and the possibility of being convicted is virtually non-existent.¹

In many countries, the existing systems governing the wildlife and forestry sectors have also enabled corruption to flourish, and yielded considerable profits for corrupt officials as well as politicians and businessmen in the form of bribes and commissions. This, in

¹ Jonathan P Kazmar, 'The International Illegal Plant and Wildlife Trade: Biological Genocide' (2000) 6 *University of California Davis Journal of International Law & Policy* 105 at 107-109.

turn, has given some companies the freedom to engage in illegal practices without fear of prosecution.

Although several international organisations and non-government groups have launched initiatives aimed at bringing international attention to the problem of wildlife and forest crime, the resulting levels of political commitment and operational capacity to tackle this problem are far from being commensurate to the scale of the problem itself.

Complicating the situation further is the fact that the international community lacks a universal terminology and common understanding of what trafficking in fauna and flora is, and — just as importantly — what it is not. There is, to date, no universal strategy acceptable to all nations to prevent and suppress this crime type. And despite significant media coverage and public debate on this topic, there is a lack of critical mass of credible expertise and scholarship on this phenomenon.

Research topics 2018-19

Students participating in this course can choose their research topic from a set list of topics. They are required to present their research findings in class during the course days in February 2019 and submit a written, fully referenced research paper by 3 May 2019.

In 2018–19 the research topics focus on (1) the criminology and (2) on international law and (3) on domestic law and law enforcement relating to trafficking in fauna and flora.

(1) Phenomenon and criminology; case and country studies

The following topics explore the criminology, levels and characteristics, perpetrators and patterns of offending of various manifestations of the illegal trade in wildlife, animal parts, and plants. The emphasis of these topics is on the practices used and their occurrence, not on legal frameworks and government policies.

- 1.1. Poaching of elephants
- 1.2. The international illegal trade in ivory
- 1.3. Poaching of rhinoceros and the international trade in rhino horn
- 1.4. Poaching of tigers
- 1.5. Illegal trade in animal parts for medicinal purposes
- 1.6. Illegal trade of animal skins and fur
- 1.7. Illegal trade in birds
- 1.8. Illegal trade in amphibians and reptiles
- 1.9. Illegal trade in other living animals
- 1.10. Illegal trade shark fin
- 1.11. Illegal trade in plants (not including trees and timber)
- 1.12. Corruption and trafficking in fauna and flora
- 1.13. Trafficking in fauna from Tanzania
- 1.14. Trafficking in fauna from South Africa
- 1.15. Smuggling of wildlife, animal parts and plants into China: levels and characteristics

- 1.16. Smuggling of wildlife, animal parts and plants into Australia: levels and characteristics
- 1.17. Smuggling of wildlife, animal parts and plants into EU Member States: levels and characteristics

(2) International law and guidelines

The following topics explore the (fragmentary) international frameworks pertaining to trafficking fauna and flora. This involves an outline of the background and purpose of the relevant framework, an outline and critical analysis of the key provisions pertaining to the illegal trade in wildlife, animal parts, and plants, a reflection of the strengths and weaknesses of the available instruments, and suggestions for further developments in this field.

- 2.1. CITES: Convention in International Trade in Endangered Species of Wild Fauna and Flora
- 2.2. Convention on Biological Diversity
- 2.3. Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention)
- 2.4. IUCN (International Union for Conservation of Nature) Red List of Protected Species
- 2.5. European Union instruments relating to trafficking in wildlife
- 2.6. ASEAN Wildlife Enforcement Network and other regional initiatives to suppress wildlife crime
- 2.7. The work of UNODC on wildlife and forest crime

(3) Domestic laws and regulations

The following topics focus on existing criminal and customs laws and regulations to suppress trafficking in fauna and flora. Using available legislative material, case law, reports and academic literatures, these projects outline critically examine the design and operation of relevant laws and regulations.

- 3.1. Criminal laws relating to poaching and illegal hunting in Sub-Saharan African countries
- 3.2. Criminal laws relating to poaching and illegal hunting in Southeast Asia
- 3.3. Criminal laws relating to trafficking in fauna and flora in Australia
- 3.4. Criminal laws relating to trafficking in fauna and flora in Austria
- 3.5. Criminal laws relating to trafficking in fauna and flora in Switzerland
- 3.6. Customs laws and regulations relating to trafficking in fauna and flora in Australia
- 3.7. Customs laws and regulations relating to trafficking in fauna and flora in Austria
- 3.8. Customs laws and regulations relating to trafficking in fauna and flora in Switzerland

(4) Detection and Prevention

The following topics focus on measures to detect and prevent trafficking in fauna and flora. Based on international best practice and the available literature, these topics seek

to develop strategies along with practical measure to the illegal trade in wildlife, animal parts, and plants before it happens.

- 4.1 How to detect illegally traded animal and plant material: an overview of best practice
- 4.2 DNA testing
- 4.3 Demand reduction

Discussant

Each student will act as the discussant of another student's research project. The role of the discussant is to offer support and feedback and provide some peer review of draft presentations and research papers. The discussant will provide oral feedback on the presentation of the research project and may provide written feedback on a draft of the research paper. Discussants will be assigned after the initial planning meetings in October.

Schedule 2018-19

Application and selection process

Students in the discipline of law (third year or higher) from the participating institutions are invited to apply for participation in the programme. Students from other relevant disciplines, including, inter alia, international relations, sociology, political science, and journalism who are not also enrolled in a law degree should contact the course coordinator at their home institution to check their eligibility.

Prerequisites for law student applicants

- UQ Successful completion of LAWS2113 or LAWS2700 (Criminal Law) with grade 5 or higher
- U:Vie at least three years (six semester) of study; successful completion of Modulprüfung Strafrecht by 1 October 2018 is desirable but not mandatory
- UZH Successful completion of Strafrecht 1 and 2

Application documents

Application documents must include:

- cover letter not exceeding one page including statement of interest
- full curriculum vitae
- (unofficial) academic transcript (Sammelzeugnis)

Students must submit their application before the deadline stipulated below (c.o.b.) to the course-coordinator at their home institutions.

Selection process

Student applicants will be vetted through a selection process, taking into account, inter alia, students' academic performance, prior research experience, foreign language abilities, their statement of interest relating to the format and topic of the programme, and their availability to conduct the research and complete the milestones required by this programme. Students may be asked to participate in a group or individual interview.

Travel stipends

UQ Each successful applicant will receive a *Short-Term Global Mobility* grant of AUD 1,000 for travel to Vienna, Austria in February 2019.

In addition, the top two applicants will receive an *Endeavour Grant* of AUD 2,500 each.

UZH t.b.d.

Timetable 2018–19

(all times are local)	University of Queensland	University of Vienna	University of Zurich
Deadline for student applications	31 August 2018	7 October 2018	10 October 2018
Course introduction, allocation of research topics	17 September 2018 1:00–2:30pm room W418 Forgan Smith Building	9 October 2018 2:30–4:00pm Institut für Strafrecht Seminarraum 2. Stock, Schenkenstrasse 4	12 October 2018 10:15am-12:00pm
Research training	13 November 2018 1:00–3:00pm room W353 Forgan Smith Building	25 October 2018 3:00–5:00pm Seminarraum 34, Juridicum	8 November 2018 t.b.d.
Discussion of research outline	8 January 2019 12:00–3:00pm Room t.b.d.	22 November 2018 3:00–6:00pm Seminarraum 41, Juridicum	5 December 2018 4:30–7:30pm Room t.b.d.
Academic presentation training	17 January 2019 12:00–3:00pm Room t.b.d.	13 December 2018 3:00–6:00pm Seminarraum 41, Juridicum	12 December 2018
Latest arrival in Vienna	3 February 2019	n.a.	3 February 2019
Joint teaching dates, Vienna Seminarraum 34, Juridicum, Schottenbastei 10–16, 1010 Vienna See details below		Monday, 4 February 2019, 10:00am-3:30pm Tuesday, 5 February 2019, 10:00am-3:30pm Wednesday, 6 February 2019, 10:00am-3:30pm Thursday, 7 February 2019, 10:00am-3:30pm Friday, 8 February 2019, 10:00am-3:30pm	
Earliest departure from Vienna	9 February 2019	n.a.	9 February 2019
Further development of research project	27 February 2019 Time t.b.d. Room t.b.d.	21 February 2019 3:00–6:00pm Room t.b.d.	22 February 2019 3:00–6:00pm Room t.b.d.
Academic writing, critical engagement with literature	20 March 2019 Time t.b.d. Room t.b.d.	9 April 2019 3:00–6:00pm Room t.b.d.	t.b.d.
From paper to publication	30 April 2019 Time t.b.d. Room t.b.d.	25 April 2019 3:00–6:00pm Room t.b.d.	t.b.d.
Submission of research paper	3 May 2019 6:00pm	3 May 2019 6:00pm	3 May 2019 6:00pm

(all times are local)	University of Queensland	University of Vienna	University of Zurich
Publication meeting	Late May Time t.b.d. Room t.b.d.	Early June Time t.b.d. Room t.b.d.	Late May Time t.b.d. Room t.b.d.
Presentation of edited book/papers	5–7 September 2019 16. Wissenschaftliche Fachtagung der Kriminologischen Vereinigung University of Vienna (German-speaking students only)		

Joint teaching dates, Vienna, February 2019

Sunday, 3 February 2019

Arrival of participants

6:00pm Welcome drinks

Monday, 4 February 2019

10:00am Introduction
 11:00am Student presentation #1
 11:50am Student presentation #2
 12:40am Lunch break
 1:20pm Student presentation #3
 2:10pm Student presentation #4
 3:00pm Reflection, outcomes of the day

Tuesday, 5 February 2019

10:00am Guest presentation: Jorge Rios, UNODC, Chief of the Global Programme to Combat Wildlife and Forest Crime (TBC)
 11:00am Student presentation #5
 11:50am Student presentation #6
 12:40am Lunch break
 1:20pm Student presentation #7
 2:10pm Student presentation #8
 3:00pm Reflection, outcomes of the day

Wednesday, 6 February 2019

10:00am Student presentation #9
 10:50am Student presentation #10
 11:40am Student presentation #11

- 12:30am Lunch break
1:20pm Local excursion/interactive session (Austrian Customs Office, TBC)

Thursday, 7 February 2019

- 10:00am Guest presentation: Riikka Puttonen, UNODC (TBC)
11:00am Student presentation #12
11:50am Student presentation #13
12:40am Lunch break
1:20pm Student presentation #14
2:10pm Student presentation #15
3:00pm Reflection, outcomes of the day

Friday, 8 February 2019

- 10:00am Student presentation #16
10:50am Student presentation #17
11:40am Student presentation #18
12:30am Lunch break
1:00pm Further work: research papers and publication
2:30pm Course evaluation and development
3:00pm Close

Assessment

Presentation

(UQ + UZH: 40% of final grade; U:Vie: assessment for winter semester)

All students must work on a designated research topic and present their research findings in class. Each topic will be assigned a specific presentation date and time; these are not negotiable.

Students present their projects in a 20-minute presentation, followed by 20 minutes of discussion and 10mins of feedback.

Grading criteria:

- Outline, introduce, explain the research topic;
- Critically analyse and explore relevant issues;
- Structure and weight relevant issues;
- Develop alternative strategies and recommendation for reform;
- Visualise and communicate research outcomes clearly;
- Discuss topical issues in an open forum; and
- Conduct in-depth research using information and literature of highest quality.

Presentations must be held in English only.

Research paper

(UQ + UZH: 60% of final grade; U:Vie: assessment for summer semester, sowie Möglichkeit der Approbation)

Each student must submit an individual, written report of his/her research topic (fully footnoted and referenced according to the *Australian Guide to Legal Citation* (University of Melbourne, 3rd edition). All papers must have an introduction, conclusion and a bibliography. The word limit for the papers is 7000 words (for UQ students, and UZH students choosing 6 ECTS; higher requirements apply for students choosing 12 or 18 ECTS for their Masters Thesis at UZH); 50,000 characters (minimum requirement for U:Vie Diploma students)]. The assessment is, however, based on quality, not quantity.

Grading criteria:

- Identify, scope, introduce, and state the significance of the research project;
- Critically analyse and explore relevant issues;
- Structure and weight relevant issues;
- Develop alternative strategies and recommendation for reform;
- Communicate clearly and efficiently in a written paper; and
- Conduct in-depth research using information and literature of highest quality.

Students have a choice to write their paper either in English, French or German.