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The Implementation Dilemma and Improvement Direction of International Law in Wildlife Conservation: Based on the Comparison of Two Important Conventions

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Abstract. Transnational illegal wildlife trafficking has become a lasting global threat. It damages biodiversity, destabilises local ecosystems and fuels complex cross-border criminal activities. For decades, the international community has built a set of treaty frameworks to respond to this crisis. Among them, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) acts as the core agreement governing cross-border wildlife trade. Meanwhile, the draft wildlife-trafficking supplementary protocol under the United Nations Convention against Transnational Organized Crime (UNTOC) offers a new criminal-justice-focused solution to fix existing governance weaknesses. This paper analyses real-world challenges within modern international wildlife governance by examining legal documents and existing academic studies. Rather than creating entirely new legal theories, this research applies literature review, case study and comparative analysis. Centring on CITES and the draft UNTOC supplementary protocol, this paper explores practical obstacles in CITES implementation. CITES suffers from obvious limits in enforcement power. Many developing member states struggle with insufficient resources, and its trade-oriented design cannot target high-level criminal groups behind wildlife smuggling. Though the draft UNTOC protocol can fix some of these downsides by strengthening criminal justice measures and cross-border judicial cooperation, slow negotiation progress and developing countries' fairness-related concerns hold it back. This paper discusses how the two legal instruments can function as complementary systems to narrow governance gaps created by transnational illegal wildlife trafficking.

Keywords: CITES, UNTOC, illegal wildlife trafficking

1. Introduction

Illegal wildlife trade ranks among the most harmful cross-border crimes in the modern world. According to global institutional statistics, wildlife-related crime brings huge illegal profits to criminal networks and is counted as one of the most profitable transnational crimes worldwide [1]. In 2019, Singapore customs officials seized a huge shipment containing 12.7 tonnes of pangolin scales in one single law-enforcement operation [2]. This case shows how criminal groups move wildlife products across many national borders and frequently avoid real-world international legal

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punishment. Pangolins receive full protection under CITES Appendix I. Even so, large-scale pangolin smuggling continues, despite numerous nations having joined this convention. Such persistent criminal activity has reinforced scholarly calls to embed wildlife-related offences within the global anti-organised-crime framework [3].

CITES serves as the cornerstone international treaty that controls global wildlife trade. It sorts wildlife species into different categories and bans commercial trade for endangered animal species. However, many practical difficulties appear when member states try to put these written rules into practice. Large numbers of developing member states lack enough funding, police staff and court resources. They face great difficulty checking goods at national borders and dealing with wildlife-related criminals. The CITES system does not possess powerful enforcement rules. When member states fail to complete their legal duties, CITES cannot impose genuine legal punishment. Its main tools to push countries into compliance are political pressure and recommended trade suspension, yet these methods rarely produce satisfying outcomes in reality. Since CITES focuses heavily on trade control, it was not designed to fight large organised criminal gangs. As a result, noticeable legal loopholes remain.

Against this background, ongoing negotiations for a wildlife-trafficking supplementary protocol to UNTOC create hope for institutional fixes to these problems. Importantly, this document remains a negotiation draft and has not become a formally binding treaty [4]. To tackle these existing shortcomings, researchers and international organisations have put forward the idea of this UNTOC supplementary protocol. It asks participating countries to adjust their domestic criminal laws and encourages better cross-border cooperation between courts and police agencies. It pushes governments to target the whole criminal chain: not only ordinary smugglers, but also financial supporters and top-ranked crime organisers.

Still, this new protocol is far from perfect. Several countries hold negative attitudes towards adopting it. Furthermore, developing producer nations raise worries about fairness. These practical concerns mainly stem from uneven economic conditions across different state parties. Strict new criminal obligations may place extra administrative and financial burdens which developing legal systems can hardly afford. This paper explores real-life barriers to CITES implementation. It also evaluates whether the UNTOC wildlife-trafficking protocol can solve problems caused by illegal wildlife trade. It aims to build a clearer understanding of how these two international documents can work together to fight wildlife crime.

Unlike drug or arms trafficking, wildlife crime carries unique features. Its goods originate from living plants and animals, and illegal exploitation sometimes overlaps with local people's survival-based livelihoods in source regions. This blurry line makes law-enforcement classification more complicated. Criminal organisations often split their operations across multiple jurisdictions. Even when individual countries enforce strict domestic laws, separated national jurisdiction limits one-sided efforts to break up full criminal enterprises.

Trade suspension suggestions also bring serious side-effects. For developing countries whose export economy relies heavily on biological resources, threatened trade restrictions may hurt lawful local industries instead of punishing corrupt or criminal participants. Member states therefore often resist such punitive tools, and the CITES Standing Committee only uses them in extreme circumstances. As an intergovernmental negotiation text, the draft protocol has no binding legal force. Every major clause needs general agreement from participating states. Before formal adoption, signature and ratification, countries have no legal duties under this document. This partly explains why its expected governance advantages cannot show up in real anti-trafficking work.

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2. Literature review

As cross-border trade expands, illegal wildlife trafficking has turned into one of the world's most damaging transnational crimes. It endangers species, disturbs local ecosystems and may even threaten public safety. Therefore, international cooperation grows increasingly important for stopping wildlife smuggling [4]. Existing research has laid a basic foundation concerning CITES and the proposed UNTOC wildlife-trafficking protocol. These academic works offer valuable references for studying transnational wildlife crime governance [5].

2.1. Existing research on the function of CITES

Many scholars regard CITES as an important hard-law instrument for managing international wildlife trade. As a binding convention, it classifies endangered species and sets trade limits to stop uncontrolled commercial transactions [6]. Researchers point out that CITES creates global trade standards and a legal foundation for protecting well-known species such as elephants, rhinos and pangolins. It has successfully reduced large-scale legal trade of high-risk species and raised cross-national public awareness of wildlife conservation.

Early studies mostly focused on its achievements in setting global rules and building conservation awareness. Researchers of that period tended to judge CITES from the perspective of norm-building. They confirmed its necessary role in constructing the global wildlife-conservation order. Much early research measured success by expanding species appendices and rising member-state numbers. Few studies distinguished formally accepted rules from actual on-the-ground compliance. Researchers widely assumed unified international trade rules would automatically cut poaching and smuggling, without giving enough thought to domestic capacity gaps among contracting parties.

2.2. Research on limits of CITES and the UNTOC draft protocol

Nevertheless, a growing number of studies reflect on CITES' real-world enforcement limits. First, CITES mainly targets cross-border trade activities rather than complete criminal networks. It cannot effectively pursue high-level organisers, financial backers or money-laundering links behind smuggling cases. Multiple practical studies also note that many developing countries lack funding, border inspection equipment and well-trained officers [5]. Besides, CITES does not have powerful mandatory punishment. It can only apply soft measures including public criticism and temporary trade suspensions to push non-compliant states to change their behaviour. Due to these weaknesses, illegal wildlife smuggling remains frequent even among member states.

Considering these practical gaps, scholars have begun to analyse the draft UNTOC wildlife-trafficking protocol. Most existing literature agrees that it plays a supplementary role. Different from the trade-centred CITES, this draft protocol encourages member states to update domestic criminal laws and strengthen cross-border police and judicial cooperation. It urges countries to investigate the whole criminal supply chain instead of only arresting low-level smugglers [5]. Even so, scholars also identify clear obstacles. Quite a few countries hold conservative attitudes towards this proposal. Regional case studies further illustrate how cross-border judicial gaps hinder practical anti-trafficking outcomes even with formal treaty commitments [7]. Some developing nations worry that strict new criminal rules may damage their local industries. These disagreements slow down global negotiation work.

Treaty-negotiation processes within the United Nations system need broad agreement from participating states. Conflicting national interests among wildlife source states, transit states and

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consumer states unavoidably create negotiation deadlocks. Source states face most poaching pressure but often have limited finance and judicial resources. Consumer states face pressure to reduce market demand yet sit geographically far away from poaching locations. Transit states become convenient transfer hubs for illegal goods. Each group holds different policy priorities, which make final treaty wording harder to achieve.

2.3. Research gaps identified by existing studies

After reviewing available studies, it is clear that researchers have summarised CITES' enforcement weaknesses and recognised the supporting role of the UNTOC draft protocol. Still, important research gaps remain. Most existing papers discuss CITES or the UNTOC protocol separately. Systematic analysis exploring how these two mechanisms can coordinate and support each other stays limited. Many publications evaluate one instrument and only briefly mention the other, without exploring concrete practical paths for institutional interaction.

Additionally, few papers study practical differentiated plans suitable for countries with different economic levels. A large volume of literature puts forward universal policy advice for all member states while ignoring huge differences in law-enforcement ability and social-economic reality across jurisdictions. Simply copying identical institutional requirements may bring unexpected negative results for less-developed contracting parties.

Scholars often mention their theoretical complementary relationship but rarely explain concrete interaction methods. For instance, little research discusses how CITES species-listing results can serve as evidence for future UNTOC-related domestic criminal prosecutions. Current literature frequently provides one-size-fits-all policy suggestions. It seldom explores differentiated-implementation theory in international law: treaties can allow phased or adjusted obligations for states with widely different institutional capacity. Without tailored arrangements, well-meaning multilateral norms may only produce "paper compliance", where countries pass laws formally but lack resources to enforce them. This paper tries to partly fill this gap by considering both normative synergy and capacity-related differentiated implementation.

3. Implementation defects of CITES and UNTOC wildlife trafficking protocol

3.1. Structural and practical barriers to CITES enforcement

CITES has built a global regulatory framework for wildlife trade control. Even so, its real-world performance is continuously weakened by institutional design flaws and practical operational difficulties. The high-volume pangolin-scale seizure case in Singapore shows that well-organised criminal networks can run large-scale smuggling operations, even for species protected under CITES Appendix I.

Designed mainly as a trade-regulation instrument, CITES puts heavy focus on border import and export supervision. Its core regulatory logic centres on the licensing system, which tells legal cross-border wildlife commerce apart from banned trade activities. It is not structured to break apart transnational criminal networks. As a result, high-level organisers, financial backers and money-laundering participants within smuggling groups often escape meaningful punishment. Many developing state parties face long-term resource shortages. Limited budgets, insufficient inspection equipment and poorly trained officials make steady enforcement difficult. Border inspection requires continuous capital investment for scanning devices, staff training and cross-agency information-sharing systems--resources many developing governments cannot maintain.

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Moreover, CITES lacks binding punitive mechanisms. Tools such as political pressure and recommended trade suspensions belong to soft-power measures, and their application is inconsistent across different states. Suggestions for trade suspension carry severe potential economic costs, so such proposals are only selectively applied to a small number of non-compliant parties. Research has long noted the inconsistent and politically constrained nature of CITES trade-suspension measures as a compliance tool [8]. These combined weaknesses create lasting loopholes for illegal wildlife trafficking. Criminal actors understand these institutional shortcomings well and intentionally take advantage of capacity gaps between different countries to avoid official crackdowns.

The licensing system works effectively only when countries maintain strong administrative capacity. In under-funded jurisdictions, permit systems become vulnerable to forgery, bribery and corruption. Corruption within administrative agencies constitutes a recurring vulnerability undermining CITES permit regimes across source and transit states [9]. Fake CITES permits are repeatedly discovered in smuggling cases. Border officers without professional species-identification knowledge can hardly separate real paperwork from falsified versions. This proves that CITES' licensing regime fully depends on each member state's domestic administrative capacity.

3.2. Merits and real-world constraints of the UNTOC wildlife trafficking protocol

Responding to CITES' limitations, the draft UNTOC Wildlife Trafficking Protocol provides a criminal-justice-centred alternative. It encourages member states to reform domestic criminal legislation and strengthen cross-border police and judicial cooperation. Unlike CITES' trade-focused approach, the protocol pushes states to investigate the full criminal supply chain instead of only prosecuting low-level smugglers. In this sense, it can fill some institutional gaps left by CITES when dealing with organised wildlife crime. By placing wildlife trafficking inside UNTOC's anti-transnational-crime framework, negotiators hope to bring anti-wildlife-crime work into existing global criminal-cooperation channels.

Even so, the protocol cannot act as a complete solution. Multiple states remain cautious about accepting its obligations. Developing producer countries raise reasonable fairness-based worries, alongside concerns about potential harm to livelihood-dependent local industries. For source nations, new criminal-law duties mean legal revisions, extra training for judicial staff, and higher spending on anti-crime operations. Without matching outside capacity support, treaty obligations may turn into heavy burdens rather than practical governance tools. Political disagreements also slow global negotiation progress [3]. Therefore, the protocol should be treated as a supplementary mechanism instead of a replacement for CITES. Successful anti-trafficking results ultimately depend on how well these two regimes can operate alongside each other.

Effective implementation also needs specialised police units, wildlife forensic laboratories and cross-agency coordination platforms, which many low- and middle-income source states do not possess. External capacity support cannot be limited to short-term training workshops. Without sustained support, ratifying the protocol may only produce formal legal changes without real-world improvements.

4. Institutional deficiencies and optimization paths

Based on the barriers and constraints discussed in previous sections, this chapter addresses one core question: given the existence of CITES and the UNTOC Wildlife Trafficking Protocol, why can

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transnational wildlife-smuggling networks still operate successfully, and how can these two instruments perform better together?

Many of these practical shortcomings come from deep-rooted institutional design characteristics embedded within each regime. CITES is constructed as a trade-control tool focused on border supervision. It lacks design features meant to break up transnational criminal groups. Consequently, high-level smuggling masterminds frequently avoid sanctions. Insufficient capacity within developing state parties further weakens real-world enforcement. In addition, CITES contains no binding punitive rules, and its soft-power measures are applied unevenly across states. While the UNTOC Protocol offers a criminal-justice-oriented solution targeting complete criminal supply chains, it still suffers from slow negotiation progress and states' unwillingness to take on relevant treaty obligations.

CITES represents a typical "administrative treaty" formed in the 1970s, aimed at stopping unsustainable commercial wildlife trade rather than fighting sophisticated criminal syndicates. Wildlife crime has since grown far more complex, yet CITES' core framework has not been fundamentally updated. By contrast, UNTOC focuses on anti-organised-crime tools such as asset confiscation and extradition, but lacks wildlife-specific classification standards. Their strengths and weaknesses are naturally complementary, yet coordination will not happen automatically; deliberate institutional connections are required.

Neither instrument alone can fully stop illegal wildlife trafficking. Instead of replacing one another, CITES and the UNTOC Protocol should operate as complementary regimes. On the one hand, state parties should keep applying CITES to deliver stable border-oriented wildlife-trade governance. CITES' species-listing system and border-supervision rules remain irreplaceable for sorting legal and illegal wildlife shipments at customs checkpoints. In future coordinated practice, CITES appendices could serve as objective evidence for domestic criminal courts implementing the UNTOC protocol, forming a concrete institutional link between the two systems [10].

On the other hand, state parties can make use of the protocol's criminal-justice framework to target high-level criminal organisers, financial supporters and money-laundering connections which CITES can hardly reach. Simply adopting treaty texts cannot remove real-world obstacles. Developing contracting parties cannot satisfy treaty requirements without basic funding, inspection hardware and trained law-enforcement staff. The international community ought to offer capacity-building support for developing nations and respond to their livelihood-related fairness worries.

Capacity-building should go beyond one-off training workshops. Long-term hardware donations, technical exchange and anti-corruption support for wildlife-related departments are equally important. Livelihood support for local source-region communities is also necessary, as pure punishment may push vulnerable residents into criminal activity.

Differentiated implementation arrangements can also help balance conservation goals and domestic social-economic realities. It does not excuse states from core treaty duties, but promotes flexible phased-compliance pathways with reasonable transition timelines and targeted international aid. This reduces risks of widespread paper compliance and improves overall implementation quality of this two-tier governance system.

5. Conclusion

This essay studies practical enforcement challenges facing the CITES framework and evaluates whether the draft UNTOC Wildlife Trafficking Protocol can close governance gaps within anti-trafficking efforts. CITES makes major contributions by building global trade rules for endangered species and lifting international conservation awareness. Even so, its trade-centred design struggles

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to deal with organised transnational criminal networks. Resource shortages within many developing countries and the lack of enforceable sanctions further reduce its real-world effectiveness.

The draft UNTOC Protocol adds a criminal-justice dimension missing from CITES. It promotes domestic legislative reform and cross-border judicial cooperation to trace complete trafficking chains. Nevertheless, it meets political push-back and developing countries' social-economic concerns. Neither instrument alone can end global wildlife trafficking. Improved synergy, combining CITES' species-based trade controls and the protocol's criminal-enforcement tools, represents the most realistic path forward. Policy-makers must fully respect large gaps in national economic and institutional capacity, to pursue anti-trafficking governance that balances practical effectiveness and procedural fairness.

Future multilateral negotiations should design clear institutional connection points between the two regimes. Ultimately, international wildlife law can produce real conservation results only when formal normative rules match contracting states' real-world institutional capacity.

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