

# ENVIRONMENTAL IMPACTS OF ILLEGAL TRADE IN ENDANGERED SPECIES: BANGLADESH'S COMPLIANCE WITH INTERNATIONAL STANDARDS

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## **ABSTRACT**

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Bangladesh is one of the world's most environmentally vulnerable countries. As a result, a diverse array of environmental crimes and harms can be identified in Bangladesh. Wildlife trafficking has grown significantly in Bangladesh during the last few years. The impacts of illegal trade on the environment can be wide-ranging. Despite the fact that wildlife trafficking is a significant and geographically widespread problem in Bangladesh, affecting many different taxonomic groups and a large number of species that are listed as threatened both globally and nationally, it may not be given much priority or not seen as an urgent or important issue, or even if acknowledged, it may not be taken into consideration. In Bangladesh, the government also takes initiatives to meet the challenges towards the protection of wildlife. Additionally, Bangladesh's national legislation and the role of law enforcement agencies in combating wildlife

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trafficking are insufficient to prevent this crime. In particular, this proposed thesis aims to address the challenges for combatting this crime and the adverse effects of the trade and trafficking on the environment. This research focuses on the relevant laws prevailing in Bangladesh in case of the protection of wildlife and how effective they are. The study is qualitative in its nature, and the study is based on various kinds of primary and secondary sources of data. This paper recommended as where the Act should be amended, protection of wildlife and controlling wildlife trafficking has been highlighted based on the research findings. Finally, emphasis has been made for the immediate requirements of Act to ensure complete protection of wildlife in Bangladesh.

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## **INTRODUCTION**

Bangladesh is a small, highly populated nation with an abundance of natural habitats and wildlife. Owing to its position within the Indo-Malayan Realm, this nation is host to a wide variety of fauna. It is among the most biologically diverse and ecologically significant habitats on Earth, with a range of freshwater wetlands, unique coastal and marine features, and several forest types found in its natural ecosystems. Nonetheless, Bangladesh is among the most ecologically vulnerable nations in the world. Consequently, a wide range of environmental offences and damages can be recognised in Bangladesh. It is clear that a sizable number of animal species are in risk as a result of trade and trafficking in endangered species. This research, which focuses on illegal trading, looks at whether internationally stipulated measures—like international agreements—actually help prohibit the trade and ensure that national laws comply with international conventions.

## **BACKGROUND OF THE STUDY**

Environmental crimes are an area of increasing concern. Pollution, wildlife trafficking in endangered species, deforestation, dumping of electronic, industrial and domestic waste, and illegal fishing, are all well-known environmental crimes in Bangladesh. Wildlife trafficking has grown significantly in Bangladesh during the last few years. Wildlife trafficking endangers the existence of numerous plant and animal species while also speeding up the depletion of natural resources such as wildlife, forests, and other natural resources. Even though wildlife trafficking is a significant and geographically widespread problem in Bangladesh,

affecting many different taxonomic groups and a large number of species that are listed as threatened both globally and nationally, it may not be given much priority or not seen as an urgent or important issue, or even if acknowledged, it may not be taken into consideration. Poaching and wildlife trafficking are one of the most serious concerns, yet they may also be one of the least well-documented. Additionally, Bangladesh's national legislation and the role of law enforcement agencies and courts in combating wildlife trafficking are insufficient to prevent this crime. To shed light on the subject, the researcher aims to identify the factors and the motives driving the wildlife trafficking. In particular, this paper aims to address the challenges for combatting this crime and the adverse effects of the trade and trafficking on the environment.

### **RESEARCH QUESTIONS**

The following questions are the basis of this research. The research questions of this paper are as follows,

- a) What are the environmental impacts of illegal wildlife trade in endangered species?
- b) Are the laws enacted in Bangladesh adequate for preventing the illegal trade in endangered species?
- c) To what extent the existing laws of Bangladesh are compatible with international instrument in matters relating to wildlife trade?

### **OBJECTIVES OF THE RESEARCH**

The objectives of this research paper are,

- a) To lay the groundwork for future research on the trade in wildlife and to pinpoint knowledge gaps regarding wildlife trafficking.
- b) To find out the environmental impacts of wildlife trafficking.
- c) To review national laws and their loopholes regarding this matter.
- d) To analyze whether national legislation is in compliance with international instruments.
- e) To recommend some possible way out to combat this crime.

### **LITERATURE REVIEW**

Faroque (2020) in his article focuses on the short-term impacts and long-term consequences of environmental crimes in Bangladesh. The author tries to identify the gaps and weaknesses of the current legislation, the capacity and collaboration of the police and environmental agencies and the obstacles to cooperation. Being an environment fragile country, the ecological consequences of environmental crimes are dreadful in Bangladesh. Even though environmental crimes are not always accepted as crimes, the prospects for combatting this crime are improving.

Datta (2021) in his article depicts that exploitation of birds is most prevalent in Asia which driving birds towards extinction. As Bangladesh is

an important flyway for bird migration, many shorebirds used its ground for staging and wintering. He explores the extent of illegal bird hunting in Bangladesh, hunting hotspots, motivations for hunting, the methods using for hunting, the trends of hunting over time and recommends awareness campaign, systematic monitoring program to monitor illegal bird hunting in Bangladesh.

Wittig (2016) in his article argues that poaching and wildlife trafficking are a part of organized environmental crimes and considered as the largest globally after human and drug trafficking. He also shows the connection between trafficking and organised crime and how this crime is becoming a of the transnational organized crime. In spite of the threat posed by this crime, this is insufficiently understood and the steps that are taken to mitigate this are less effective. According to him, wildlife trafficking demands urgent responses and effective strategies as one of the fundamental principles of CITES is to protect endangered species. Uhm (2016) in his article discusses that the illegal wildlife trade has grown into a multibillion-dollar worldwide criminal economy. From the poor poachers to the rich businessman all have a share in this heinous crime and the profits from this crime fuel the other organized crime groups that pose a grave threat to the public safety and security. However, apart from the criminal impact, the environmental impact of illegal trade in wildlife is also very alarming. The author tries to examine the illegal wildlife trade from a variety of angles by analyzing the historical context. The international scope of the problem and the legal efforts to combat this problem have also been a topic of discussion here.

Sollund (2019) in his book focuses on the illegal trafficking of endangered species as well as the harmful aspects of the trade and trafficking. This book also covers the vulnerability of huge numbers of nonhuman species as a result of the illegal trade and trafficking and what steps can be taken to minimize the adverse effect. The trade's motivation and repercussions of animal abuse and environmental degradation have also been explored by the author in this book. The author examines the possible pathways to address the harm caused by wildlife trade and whether international conventions and agreements genuinely play a role in the prevention of illegal trade.

Lazar (2020) in her article examines the causes, characteristics, actors of the wildlife trafficking, as well as the detection methods and the various national and international legal framework. The author describes that despite the consequences, wildlife trafficking frequently goes unnoticed and poorly understood. Wildlife trafficking threatens the survival of other species and accelerate the destruction of natural resources. Moreover, it destroys natural ecosystem which leads to environmental degradation. The more endangered a species grows, the more monetary value is placed on the last specimen, creating the temptation for additional unlawful activity. The author pointed at the inadequately constructed legal framework and ineffective law enforcement process and the government given less priority preventing this illegal activity. Wyatt and Johnson (2018) in their

article explains how wildlife trafficking is carried out. According to them, corruption is a key facilitator of this lucrative and extensive worldwide black industry, and how corruption promotes wildlife trafficking. Moreover, evidence reveals that Asia, particularly China and Southeast Asia, is a hotspot for wildlife trade. The author examines the role of corruption in wildlife trafficking by focusing on individual acts of corruption. In some countries, corrupted structures (such as the criminal justice system, the economy, and the political foundations) allow wildlife trafficking to take place and make it more resistant to anti-trafficking measures.

### **METHODOLOGY OF THE RESEARCH**

In order to ascertain whether the legislation of Bangladesh regarding wildlife trade is adequate in this era, I have followed qualitative method for my research, which is based on the study of existing legal primary as well as secondary sources of data, including necessary materials and comprehensive information from Acts, relevant books, judicial decisions, international legal instruments, publication from journals, research papers, articles as well as various online resources.

### **SCOPE OF THE STUDY**

This research aims to find the extent and reality about present law enforcement procedure to control and impose the legal barrier to the illegal trade of wildlife in Bangladesh. The purposes of this study are to, highlight the present situation of illegal trafficking of wildlife, environmental impact of the trade, analyze the reasons that drives the motives behind this crime, focus on the challenges to combat this crime and examines the possible steps need to be taken to prevent this crime. This study also analyzes how this serious problem is frequently overlooked in our country. In the end, the research would make a list of recommendations to improve the legal framework in compliance with the international standards for the protection of wildlife and environment. This paper includes only the wildlife trafficking crime and excludes any other wildlife related crime and pertaining legal framework.

### **ENDANGERED SPECIES**

According to section 2(29) of the Act, "endangered species" refers to any wild animal or plant species that is classified as critically endangered, vulnerable, or uncommon and is threatened with extinction. Bangladesh has a vast range of species includes at least 120 mammals, 50 amphibians, 150 reptiles, 75 sharks and rays, and 900 birds - of which more than 300 are migratory. Of these species, 130 are considered threatened in the International Union for Conservation of Nature (IUCN) Red List. Of them 36 are mammals, 36 are birds, 34 are sharks and rays, 23 are reptiles, and, one is an amphibian. Of the 130 threatened species, 15 are rated Critically Endangered (CR), 40 Endangered (EN) and 75 Vulnerable (VU) in the IUCN Red List. According to the IUCN Red List, the animals which have

been categorized as endangered species means that if their populations are not monitored and guarded, they may rapidly become extinct.

### **What is Wildlife Trade**

The international trading (import and export) of animals and products produced from wildlife is known as wildlife trade. When the trade is lawful, laws and regulations can be put in place to safeguard and reduce biodiversity consequences. The pet trade imports live animals. Examples of wildlife products include skins, food, medicines, and more. The international trade in wildlife and wildlife products is a multi-billion-dollar industry.

### **What is Illegal Wildlife Trade**

Poaching and unlawfully harvesting threatened species for the purpose of selling their products constitutes wildlife trafficking which may refer to as illegal wildlife trade. Conservation and world security are in danger as a result of this. International security is jeopardized and instability is increased by wildlife trafficking, a major crime that occurs across national borders. Elephants, rhinos, and tigers are some of the most well-known examples of charismatic animals that can be destroyed by illegal trafficking in protected species. In addition to producing hundreds of millions of dollars in illegal profits annually, wildlife trafficking has a negative impact on wildlife's ability to provide certain benefits to society, the environment, and the economy.

### **Reasons Behind Illegal Wildlife Trade**

The reasons behind illegal wildlife trade are given below:

- a) ***Not enough laws to prohibit the wildlife trading:*** A lot of illegal traders get away with it because there aren't enough strict laws to stop them. Until recently, these crimes were not seen as important. The punishments for these crimes are too lenient compared to the heinous crimes being committed.
- b) ***Transferring of Illegal trade items into legal markets:*** In spite of their illicit origins, these products find their way into the legitimate market place. Although it was often assumed that unlawfully traded wildlife was only exchanged in black markets, numerous investigations have found that most illegally trafficked wildlife is sold in legitimate markets.
- c) ***Huge money on offer:*** Unsurprisingly, illegally traded goods fetch a high price in European markets, motivating poachers to hunt for more. This vicious cycle of greed has been a persistent fuel for the poaching industry.
- d) ***Undocumented species being traded legally:*** Thousands of unregistered species are still traded legally on the worldwide market, despite national laws.

## ENVIRONMENTAL IMPACTS OF ILLEGAL TRADE IN ENDANGERED SPECIES

### **a) Decline in Population Size**

Wildlife trafficking can lead to local or global extinction. Poaching or harvesting endangered species to serve the illegal trade risks extinction. To make matters worse, hunters and collectors often target the breeding population's fittest individuals, resulting in catastrophic ramifications for future generations.

### **b) Loss of Ecosystem Function**

As a member of an ecosystem, each species serves an important purpose. The consequences of the extinction of a single species are not fully known, but they can be significant. In terms of how long it takes for an effect to take hold, this might vary greatly. Species populations can be severely disrupted even though their proportional reductions are just modest. Of some circumstances, ITW has a considerable impact on population decreases in ecologically significant species.

### **c) Food Provision and Consumption**

A species' role as a food supply or a consumer of other species is vital to its ecosystem. Because of this, a decrease in the population size of a specific species has the potential to trigger a chain of consequences throughout the entire food chain, and there are numerous well-documented examples of these so-called "trophic cascades" to be found in the scientific literature. In several cases, the consequences of overfishing in marine ecosystems are being discussed in detail

### **d) Habitat Modification**

By physically influencing the environment in which they exist, species frequently perform critical roles in supporting the ecosystem as a whole. Many of these services are carried out by plants, including water redistribution, soil stabilization, and protection from natural hazards. The physical impacts of some animal species are also crucial to the health of the ecosystem as a whole.

### **e) Depleting Natural Resources and Threatening Livelihoods**

Trafficking in wildlife undermines and threatens State efforts to manage their natural resources. Illegal wildlife trafficking can have a devastating impact on the economies of impoverished countries, which rely heavily on lawful trade revenue. Wildlife, forest, and fisheries crime can affect rural livelihoods, including those dependent on ecotourism.

### **f) Spread of Disease**

Wildlife trafficking poses a serious threat to both endangered species and humans. Criminal syndicates with a worldwide reach are spreading new diseases over the world by smuggling protected animals across continents. It is possible for pathogens that threaten human health to be transmitted through the movement of wildlife within or between countries. Although the effects on animals are less well documented than those on humans. Pathogens carried by wild animals are to blame for a slew of illness

outbreaks in recent years and decades. For example, Ebola and COVID-19 are both thought to have been transmitted by wild animals, potentially fruit bats, in Africa in the 1970s, and a horseshoe bat in China late last year. However, illegal wildlife trade movements would only worsen the issue by degrading or bringing people too close to animal habitats, and contribute to spread disease.

**g) Governance and Conflict**

Wildlife trafficking has the potential to undermine good governance and the rule of law, and it can even pose a threat to national stability in some situations. The UN Security Council highlighted the relationship between the illegal trade in natural resources, such as poaching and illegal wildlife trafficking, and the proliferation and trafficking of weapons. The UN Security Council has repeatedly expressed concern that the internal armed conflict and widespread lawlessness in the Central African Republic were fueled by armed groups and criminal networks that profited from illegal exploitation of natural resources, such as wildlife and wildlife products, in that country.

**PRESENT SCENARIO OF ILLEGAL WILDLIFE  
TRADING IN BANGLADESH**

Bangladesh has been listed, among the countries that are a major source, transit point, or consumer of wildlife trafficking products or their derivatives. Among the world's most criminal sectors – including the arms and narcotics trade – wildlife trafficking has grown significantly in Bangladesh during the last three years. Between 2012 and July 2018, a total of 8,247 trafficking animals were seized. Each year, a large number of wildlife animals are transported into the country without a certificate. The wildlife crime control unit seized 7,002 tortoises, 1,067 birds, and 160 mammals at the Shahjalal International Airport.

In the 2019 fiscal year, large quantities of poached mammals, reptiles, and birds were rescued. According to the report, in fiscal year 2018-2019, the Bangladesh Forest Department's Wildlife Crime Control Unit (WCCU) documented 76 distinct wildlife trafficking offenses. In 2016, the highest number of offenses ever recorded was 85. In these cases, 57 animals were rescued in 2018-2019 – the largest number of mammals recovered in a single year – together with 76 reptiles and 2632 birds. Thirteen people were arrested and four criminal charges were filed. According to the wildlife crime control unit, criminals are punished and penalized appropriately in all situations. Between 2017 and 2018, 44 mammals were rescued, a record high at the time. Five creatures were saved between 2016 and 2017. In fiscal year 2018, 47 reptiles were saved, compared to two in fiscal year 2017. In fiscal year 2019, 222 additional birds were rescued compared to the previous year. In fiscal year 2018, 2410 birds were rescued across the country. The Wildlife Act of 2012 does not empower Forest Department officials the authority to arrest wildlife violators. They require help from local government and law enforcement agencies in order to conduct investigations and bring legal proceedings. According to the



report that published in the year of 2021, considering the data for the last six, the forest service rescued 1,058 wild animals and birds from unlawful possessions while suing just nine individuals and fining or imprisoning five others. Numerous animals were rescued from unlicensed tiny zoos. During the drives, department officials informed the illegal zookeepers about possible legal consequences and freed them after obtaining a written statement promising not to repeat the crime again in the future. All rescued wildlife was released into the wild. All of the above was accomplished in compliance with the Wildlife (Conservation and Security) Act 2012. According to the forest department, the Wildlife Crime Control Unit (WCCU) has rescued over 37,000 wild animals and birds since its inception in 2012. The WCCU detected at least 1,368 wildlife crime-related offenses during this time period, but filed only 111 cases and apprehended 157 perpetrators. Mobile courts apprehended the majority of the perpetrators. According to the wildlife conservation act, illegal possession and trading of wildlife and trophies are punishable by a maximum of one year in prison or a maximum fine of Tk50,000, or both, and by a maximum of three years in prison or a maximum fine of Tk2 lakh taka, or both, for any subsequent offenses.

#### CASE STUDY

**Case 1:** On 20 September 2017, police caught five smugglers in the Uttara zone of the Dhaka Metropolitan Police area. They were in possession of a large number of tortoises, which were found alive, together with a baby crocodile. The case was decided in accordance with Section 25(B)(D) of the 1974 Special Powers Act (Smuggling or attempting to smuggle prohibited goods without paying tax or customs duties). The inquiry revealed that the apprehended perpetrators had been smuggling or trafficking tortoises, crocodiles, and other wild animals or wild species out of Bangladesh to overseas markets such as Singapore, Bangkok, and Malaysia for numerous years, avoiding tax and customs penalties. They intended to smuggle the seized animals through an air route.

**Case 2:** On 3 November 2017, an operation in Jessore District resulted in the arrest of five individuals suspected of trafficking wild animals. Two newborn lions in one wooden box; two baby leopards in one wooden box were among the rescued animals. Prosecutions were brought under the Wild Animal Preservation and Protection Act 2012, which carries fines and imprisonments as penalties. The investigation that ensued determined that the captured culprits were involved in the transnational smuggling of wild animals or species. However, Bangladesh was not the origin of the smuggled animals. This was a case of transit smuggling, in which the criminals bought the animals from others operating across India's porous border and then intended to transfer them to other countries.

**Case 3:** On 9th May 2018, during another operation in Jessore District, police apprehended four suspects and recovered nine zebras (eight found alive and one dead). Additionally, this case was prosecuted under the 2012 Wild Animal Preservation and Protection Act.

**Case 4:** In November, 2021, the major rescue operation in Satkhira district conducted at Mozaffar Garden. The forest department rescued 49 wild animals and birds from a little zoo inside the resort complex known locally as Montu Miah's Baganbari. Several of the animals and birds were Red-listed by the International Union for Conservation of Nature (IUCN). For years, Khairul Mozaffar Montu's resort facilities housed wild animals and birds at his tiny zoo. In 2009, the local Upazilla Nirbahi Officer raided the little zoo. Fines were levied against the zookeepers. However, because there was no wildlife rehabilitation center supervised by the forest department, the animals were kept there under the zookeepers' control. When the resort was raided again 11 years later, the animals and birds were turned over to forest officials because the department now has wildlife rehabilitation centers, a wildlife crime control unit, and a legislation that criminalizes this type of behavior. However, the department lacks the authority to question zookeepers and investigate their offenses.

### **LEGISLATIVE FRAMEWORK**

There is a constitutional obligation to protect biodiversity in Bangladesh supported by four main laws including the Wildlife (Conservation and Security) Act, 2012; Biological Diversity Act, 2012; Forest Act, 1972 and Special Powers Act, 1974. Other laws such as Penal Code 1860 and Customs Act, 1969 play a vital role as well.

#### **1. Constitutional Obligation**

Article 18A of the Constitution states that the state shall protect the environment and safeguard the natural resources for present and future generations. So, it is our constitutional responsibility as a citizen to protect the wildlife and safeguard the environment.

#### **2. Wildlife (Conservation and Security) Act, 2012**

The Act authorized the establishment of a "Wild life Advisory Board" constituted of experts(Section 3). The Board will periodically examine the current state of biodiversity, wildlife, and forest development and management. There is a different set of people who are responsible for overseeing the overall development and management of them. The Chief Warden, Additional Chief Warden, and Warden functions will be performed by the Chief Conservator of Forests, Conservator of Forests, and Divisional Forest Officers in their official capacities(Section 5). Individuals are required to register any wildlife or plant specimens they gather or conserve, as well as any products derived from these specimens. Animals and wildlife products are prohibited from being traded or transferred without registration under the Act (Section 12). It has been declared illegal to violate it. The Act provides for a maximum sentence of one year in jail, which can be increased to two years in the event of a repetition of the offense (Section 39). A sanctuary, community conservation area, safari park, eco park, botanical garden, wildlife reproduction center, landscape zone, buffer zone, and core zone can be designated by the government under the Act. Chapter 7 of the Act has

dealt with the issue of wild animal imports, exports, and re-exports. CITES certification and license are required for anyone attempting to import any wild animals or their parts, trophies, or plants (Section 28). In addition, they are required to enter through the customs port of arrival. The rules for export and re-export were discussed in section 29. Every person who wishes to export or re-export must do so through the customs port of exit. Wild animals cannot be exported without a CITES certificate and a license. A further section of the Act mandates that the establishment of a wildlife rescue facility be established to provide medical attention to animals that have been seized, confiscated or abandoned. The Act provides for the formation of a unit made up of members of law enforcement agencies to combat wildlife crime and enforce international conventions, protocols, and treaties (Section 31).

In Bangladesh, tigers and elephants are the country's most threatened species. As a result, the illegal killing of these two creatures is now punishable by up to seven years in prison, with the possibility of an additional 12 years in prison for repeat offenders. Additionally, the perpetrator may be fined quite a bit of money if they are found guilty. A prison sentence of three years, with the possibility of an additional five years in the event of a recurrence, is handed down to anyone caught dealing in tiger or elephant products. Leopard, crocodile, etc., as well as birds or migrating birds, are prohibited from being illegally killed or traded under the Act. These crimes are punishable by a jail sentence ranging from one year to five years.

### **3. Biodiversity Act, 2017**

As to Section 33 of the Biological Diversity Act, any activity that poses a risk of harm to animals facing extinction in the wild, or to the endangered or vulnerable ecological communities of highly endangered species, is prohibited. According to Section 42, there are fines of BDT 100,000 for first-time offenders, BDT 200,000 for repeat offenders of the same offence, and BDT 100,000 per day starting on the day of the violation for ongoing offenders. This also applies to orders or rules issued by the National Technical Committee on Biodiversity (NTCB).

### **4. Forest Act, 1927**

The Act controls the movement of forest products while safeguarding the forest. It forbids damaging or felling trees and removing wood. This Act prohibits hunting in designated forests and the poisoning of fish and other species. Section 26 of this Act stipulates that the penalty can range from six months to five years in prison and a fine of up to fifty thousand taka, with a minimum of five thousand taka.

### **5. Special Powers Act, 1974**

In order to prevent certain unfair practices and to speed up the prosecution and punishment of some serious crimes, special measures are established by the Special Powers Act, 1974. The Act creates special tribunals, preventive imprisonment, and death or life sentences for major crimes like sabotage, counterfeiting, and smuggling.

### **6. Customs Act, 1969**

Numerous provisions in the Customs Act of 1969 assist Customs authorities in dealing with items of a wildlife or forest nature that enter or leave the country or are moved within it. These laws are helpful to Customs officials. Section 157 of this Act states that if any goods are imported by land or inland water through any route other than the customport then it is considered as an offence under Customs Act. Customs officials has the power to confiscate the consignment under section 158. This Act also empowers the customs officials to arrest the perpetrators.

#### **7. Penal Code, 1860**

The Penal Code also contains many provisions that are relevant to the matter of wildlife trafficking crime. Such crime comes under the purview of criminal conspiracy under section 120A of the Penal Code. If anyone gives false information to a public servant or any law enforcement officers relating to a matter of false applications for license, he will be punished under section 177 of the Act.

### **INTERNATIONAL LEGISLATION**

#### **The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

The Convention on International Trade in Endangered Species of Wild Fauna and Flora is an international agreement to which States and regional economic integration bodies voluntarily comply. Although CITES is legally binding on the Parties, it does not supersede national legislation. Rather, it establishes a framework that must be followed by each Party, which is required to enact domestic legislation to ensure that CITES is implemented on a national level. The objective of the treaty is to ensure that the pressures of international trade do not contribute to the endangerment of the listed species by controlling the international movement of wild plants and animals, alive or dead, whole or portions thereof (specimens of species). Appendix I, Appendix II, and Appendix III are the three categories in which species of concern or risk of extinction can be classified under article 2 of the treaty. Appendix I includes species that are at risk of extinction due to international trade. If trading in specimens of Appendix II species is not strictly controlled, they may be at risk of disappearing from the face of the Earth altogether. Individual governments can submit a list of species in Appendix III to get help restricting international trade in such species. According to article 15(1) (b), at the Conference of the Parties (COP's), a two-thirds majority of the Parties is required to place a species in Appendix I or II. However, any state that opposes a species's inclusion on the endangered species list has the option to make a reservation within 90 days of the vote according to article 15 (1)(c). It is a custom that the parties will accept the decision of the Conference of the Parties, hence this power of reservation is rarely used. Once a species is included on Appendix I or II, the treaty protects it by requiring each state to restrict transboundary transport unless a permission is obtained by the relevant country. No international police force enforces the treaty's obligations. The treaty acquires national

enforcement. The treaty requires that domestic legislation be adopted to carry out its requirements (art 8(1)).

A CITES export permit is required for species listed in Appendix II. In order to grant such a permit, a) the scientific authorities of the state in which the specimen is to be exported must first determine that the species' survival will not be adversely affected by the export; (b) the management authority of the state of export is satisfied that the specimen was not obtained in a manner inconsistent with the laws of that state.(c) the State of export's Management Authority is certain that any living specimen will be prepared and sent in a manner that minimizes the risk of injury, damage to health, or cruel treatment. A non-detrimental finding is an essential prerequisite for species protection. The treaty's aim is defeated if harmful trade is allowed, deliberately or unconsciously. Appendix I species, those already listed as endangered, require two permits: export and import under art 3.

The export authorization criteria are the same as Appendix II species. For an import authorization, the Scientific Authority of the State of import must be satisfied that the prospective recipient of a living specimen is adequately equipped to house and care for it; and the specimen is not to be used largely for commercial reasons. Notably, the importing states must also determine that the import will not harm the species. The treaty has a number of exemptions from the permit requirement or allows for alternate permits, each of which creates a number of issues as mentioned article 7 of the convention. The treaty displays its age when it comes to enforcement. A state's ratification of this treaty does not provide its citizens any new rights or give them the power to sue another state. CITES does not have an international court to which a state party can take action against a private citizen or another state for allegedly violating its terms and commitments. The CITES may be improved, however, by applying peer and public pressure to governments. Trade sanctions have been used by the Party States on a number of times to persuade a specific country to implement suitable domestic law.

CITES enforcement challenges are not merely limited by the language of the treaty, but also by the limits of each party state, such as, lack of adequate domestic laws, lack of support from the police and courts and lack of public education component.

### **WEAKNESSES OF DOMESTIC LEGISLATIONS**

The shortcomings of the existing legal framework are as follows:

First, Although entry to sanctuaries is forbidden by Section 15 of the Wildlife Conservation and Security Act, there don't seem to be any repercussions for breaking the law..

Second, Sections 28 and 29 of the aforesaid are especially important since they control the admission and exit of animals into and out of Bangladesh. Nevertheless, it appears that no explicit punishments have been established for those who do not follow the rules. Even though Section 34 deals with import and export, it does not cover everything that

Sections 28 and 29 do. Moreover, for hypothetical offences involving critically vulnerable species, the maximum term stipulated in Section 34—a year in jail—is wholly inadequate. Unless there are provisions for smuggling sanctions under other laws, such customs regulations, this seems like a serious misstep.

Third, under section 31 of the Act, the government is supposed to enact detailed rules on the powers and functions of Wildlife Crime Control Unit (WCCU). However, any rule has to been formulated yet.

### **SCENARIO OF COMPLIANCE WITH INTERNATIONAL LEGAL FRAMEWORK**

On November 20, 1981, Bangladesh ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which became effective on February 18, 1982. It hasn't made any objections about species listings yet. Although the wildlife protection legislation of Bangladesh is in line with the CITES, there are still some grey areas in compliancy with the said Convention.

**First**, despite the fact that the Act mentions CITES certifications, it does not include the CITES Appendices. As a result, it's unclear if Bangladesh, for instance, could govern plants and animals that aren't endemic to the nation. The Act appears to make no provisions for managing wildlife in transit through the nation, as well as the increasingly crucial CITES trade in 'introduction from the sea.

**Second**, the species listed in the Schedule to the 2012 Act seem to be limited to those originating in Bangladesh or that region of the globe. This might result in a serious incapacity to respond to international illegal wildlife trade. While the inclusion of native wildlife in schedules could be useful for establishing varying degrees of optimal protection, as well as possible penalties, it is critical that Bangladesh, as a CITES Member, be able to legitimately take cognizance of all wildlife protected by the Convention.

**Third**, section 34 (b) of the Act of 2012 does not appear to include re-export, which is an important aspect of wildlife trade.

### **FINDINGS**

Some of the major findings of this research are given below:

1. Wildlife trafficking has severe impact on the environment e.g., *inter alia*, threatens the biodiversity, declines the population of species threatened with extinction, damages local ecosystem and food habitat of species. Moreover, it has serious consequences on human life e.g., can cause diseases, undermines good governance and rule of law. Lack of coordination among the enforcing agencies has worsen the scenario.
2. Although the wildlife protection legislation of Bangladesh is in line with the CITES, there are still some grey areas in compliancy with the said Convention. First, despite the fact that the Act

mentions CITES certifications, it does not include the CITES Appendices. As a result, it's unclear if Bangladesh, for instance, could govern plants and animals that aren't endemic to the nation. Further, The Act appears to make no provisions for managing wildlife in transit through the nation, as well as the increasingly crucial CITES trade in 'introduction from the sea.' Furthermore, the species listed in the Schedule to the 2012 Act seem to be limited to those originating in Bangladesh or that region of the globe. This might result in a serious incapacity to respond to international illegal wildlife trade. Third, section 34 (b) of the Act of 2012 does not appear to include re-export, which is an important aspect of wildlife trade.

3. The Wildlife (Conservation and Security) Act, 2012 is the primary regulatory instrument in Bangladesh for wildlife trade. Sections 28 and 29 of this Act are particularly significant since they govern the regulation of wildlife entry and exit from Bangladesh. However, it appears as though no specific punishments have been specified for those who violate the standards. While Section 34 discusses import and export, it does not cover all of the issues covered by Sections 28 and 29. Additionally, under section 34, maximum penalty of one year in prison is wholly inadequate for probable offenses involving severely endangered species.
4. There has been widespread criticism over the Section 42 of the Wildlife Act. This section penalizes any officer or complainant found to have acted in a deceptive or baseless manner by a court. While it is quite reasonable to prevent undue harassment or malicious allegations and to penalize them, it is unusual for them to be mentioned so precisely and emphatically in law such as this. Special consideration should be given to this part, since its current position appears to be causing some discomfort among operational staff tasked with enforcing this wildlife act.
5. It appears that no provision has been established for dealing with anyone who obstructs or bribes an officer in the performance of his duties, who forges a license or identity mark, or who files a false or fraudulent application for a license or identification mark.

#### **POSSIBLE WAY-OUTS & RECOMMENDATIONS**

1. Environmental impact of illegal trafficking can be minimized by enforcing the existing law strictly. In this purpose, a national monitoring cell should be established to coordinate the enforcement measures taken by different law enforcement agencies. Training and adequate resources should be provided to the concerned officials to strengthen their capacity.

2. Wildlife (Conservation and Security) Act 2012 should be amended to completely comply with the provisions of CITES. The schedule of the Act should include the complete list contained in the appendices of CITES. Further, the Act should include re-export under its purview.
3. Penal provisions of the Wildlife (Conservation and Security) Act should be amended to provide punishment for illegal export-import of wildlife species. Further, the sentence under section 34 should be enhanced since the existing punishment is inadequate.
4. Section 42 of the Act of 2012 should be reconsidered by the Government. The law enforcers should be given reasonable immunity to enable them to complete their tasks smoothly.
5. Corruption of the officials of Forest Department should be criminalized under the Wildlife (Conservation and Security) Act 2012.

#### **CONCLUDING REMARKS**

Bangladesh is one of the most vulnerable countries to global warming and rising sea levels. In light of the numerous significant problems confronting Bangladesh, the government may not see illegal wildlife trafficking as a top priority. However, the reality is that ignoring this issue would aggravate the harmful changes to the ecology and ecosystem that have occurred in recent years. The danger is obvious. If this tendency continues, more encroachment on forests and reserves will threaten wildlife, particularly the wild tiger, Bangladesh's national animal. The government should take quick action to prepare for this inevitable disaster. Furthermore, focusing solely on ecological issues will not ensure long-term biodiversity and wildlife protection in the country, as people still rely on these resources for their survival. To ensure the country's biological and wildlife variety, the government should actively include local communities in resource management. A coordinated program for wildlife trade monitoring and management is urgently needed. Wildlife and conservation challenges are hampered by insufficient institutional and human resources. Bangladesh's legal system is insufficient to prohibit this illegal trade of wildlife. The legal protection regime should be strengthened to combat this crime. Finally, government laws concerning wildlife trade issue requires urgent reform considering country's changing socio-political context and the environment.

#### **REFERENCES**

- Amin, M. A. (2020, July 8). Wildlife Trafficking Continue to Rise. *Dhaka Tribune*  
<https://www.dhakatribune.com/bangladesh/2019/07/08/wildlife-trafficking-continue-to-rise>



- Aziz, A., Barlow, A. C. D., Greenwood, C. C., & Islam, A. (2013). Prioritizing threats to improve conservation strategy for the tiger *Panthera tigris* in the Sundarbans Reserve Forest of Bangladesh. *Oryx*, 47(4), 510–518. <https://doi.org/10.1017/s0030605311001682>
- Bio-ecological zones of Bangladesh*. (2002). IUCN.
- Brack, D., & Hayman, G. (2002). *International environmental crime: The nature and control of environmental black markets*. London: Royal Institute of International Affairs.
- Duffy, R. (2014). Waging a war to save biodiversity: the rise of militarized conservation. *International Affairs*, 90(4), 819–834. <https://doi.org/10.1111/1468-2346.12142>
- Duffy, R., & St John, F. (2013). *Poverty, poaching and trafficking: what are the links?* [https://doi.org/10.12774/eod\\_hd059.jun2013.duffy](https://doi.org/10.12774/eod_hd059.jun2013.duffy)
- Elliott, L. (2012). Fighting Transnational Environmental Crime. *Journal of International Affairs*, 66(1), 87–104. <http://www.jstor.org/stable/24388253>
- Felbab-Brown, V. (2011). *THE DISAPPEARING ACT The illicit trade in wildlife in Asia*. <https://www.semanticscholar.org/paper/THE-DISAPPEARING-ACT-The-Illicit-Trade-in-Wildlife-Felbab-Brown/e8375943af7c105388f1ecf64b6060fce58ad73b>
- Hansen, A. L. S., Li, A., Joly, D., Mekar, S., & Brownstein, J. S. (2012). Digital Surveillance: a novel approach to monitoring the illegal wildlife trade. *PLoS ONE*, 7(12), e51156. <https://doi.org/10.1371/journal.pone.0051156>  
<https://en.prothomalo.com/bangladesh/Animal-trafficking-via-Bangladesh-continues>  
<https://www.tbsnews.net/features/panorama/why-forest-dept-fails-stop-illegal-possession-wildlife-340864>
- Khan, M. a. S. A., Uddin, M. B., Uddin, M. S., & Mukul, S. A. (2007). Distribution and status of forests in the tropics: Bangladesh perspective. *ResearchGate*. [https://www.researchgate.net/publication/236902770\\_Distribution\\_and\\_status\\_of\\_forests\\_in\\_the\\_tropics\\_Bangladesh\\_perspective](https://www.researchgate.net/publication/236902770_Distribution_and_status_of_forests_in_the_tropics_Bangladesh_perspective)
- Khan, K. Z. (2018, August 14). Animal Trafficking Via Bangladesh Continues. *Prothom Alo*
- Lavorgna, A. (2014). Wildlife trafficking in the Internet age. *Crime Science*, 3(1). <https://doi.org/10.1186/s40163-014-0005-2>
- Lazar, N. (2020). The role of the Convention on Biological Diversity in combatting Wildlife Trafficking. In *Carl Grossmann eBooks*. <https://doi.org/10.24921/2020.94115945.07>
- Lemieux, A. M., & Clarke, R. V. (2009). The International Ban on Ivory Sales and its Effects on Elephant Poaching in Africa. *The British Journal of Criminology*, 49(4), 451–471. <https://doi.org/10.1093/bjc/azp030>
- Mukul, S., Herbohn, J., Rashid, A., & Uddin, M. (2014). Comparing the effectiveness of forest law enforcement and economic incentives to prevent illegal logging in Bangladesh. *The International Forestry Review*, 16(3), 363–375. <https://doi.org/10.1505/146554814812572485>
- Network, I. T. (1997). *Making CITES work: Examples of Effective Implementation and Enforcement*.
- Rahman, S. (2021, December 9). Why the Forest Dept Fails to Stop Illegal Possession of Wildlife. *The Business Standard*
- Rosen, G. E., & Smith, K. F. (2010). Summarizing the evidence on the international trade in illegal wildlife. *EcoHealth*, 7(1), 24–32. <https://doi.org/10.1007/s10393-010-0317-y>

- Roy, P. (2015, October 6). Wildlife Trafficking sees sharp rise. *The Daily Star* <https://www.thedailystar.net/frontpage/wildlife-trafficking-sees-sharp-rise-152602>
- Sands, P., Peel, J., Fabra, A., & MacKenzie, R. (2018). *Principles of international environmental law*. <https://doi.org/10.1017/9781108355728>
- Sharif, S. M., & Uddin, M. K. (2021). Environmental crimes and green criminology in Bangladesh. *Criminology & Criminal Justice*, 23(3), 490–510. <https://doi.org/10.1177/17488958211057696>
- Sollund, R. A. (2019). *The crimes of wildlife trafficking*. <https://doi.org/10.4324/9781315550428>
- Symes, W. S., Edwards, D. P., Miettinen, J., Rheindt, F. E., & Carrasco, L. R. (2018). Combined impacts of deforestation and wildlife trade on tropical biodiversity are severely underestimated. *Nature communications*, 9(1), 4052.
- Uddin, M. B., Steinbauer, M. J., Jentsch, A., Mukul, S. A., & Beierkuhnlein, C. (2013). Do environmental attributes, disturbances and protection regimes determine the distribution of exotic plant species in Bangladesh forest ecosystem? *Forest Ecology and Management*, 303, 72–80. <https://doi.org/10.1016/j.foreco.2013.03.052>
- Van Uhm, D. P. (2016). The illegal wildlife trade. In *Studies of organized crime*. <https://doi.org/10.1007/978-3-319-42129-2>
- Weber, D. S., Mandler, T., Dyck, M., Van Coeverden De Groot, P. J., Lee, D. S., & Clark, D. A. (2015). Unexpected and undesired conservation outcomes of wildlife trade bans—An emerging problem for stakeholders? *Global Ecology and Conservation*, 3, 389–400. <https://doi.org/10.1016/j.gecco.2015.01.006>
- Wyatt, T., Johnson, K., Hunter, L., George, R., & Gunter, R. (2017). Corruption and wildlife trafficking: Three case studies involving Asia. *Asian Journal of Criminology*, 13(1), 35–55. <https://doi.org/10.1007/s11417-017-9255-8>