

UNIVERSITY OF NAIROBI
DEPARTMENT OF DIPLOMACY AND INTERNATIONAL STUDIES

**COUNTERING TRANSNATIONAL WILDLIFE CRIME THROUGH MULTI-AGENCY
APPROACH IN AFRICA: A CASE STUDY OF KENYA (2010 – 2021)**

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DECLARATION

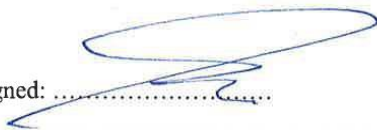
I, **Joseph Sarara Meteti** hereby declare that this research project is my original work and has not been presented for a degree in any other University;

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DEDICATION

This study is dedicated to my family namely, Mrs. Lilian (wife) Gerishon, Xavier and Enoch (sons) and Ashley (daughter) for their perseverance during my absence.

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The successful completion of this study is due to the support and assistance received from various parties. Foremost I wish to expressly acknowledge the Almighty God for His blessings. I lived to complete the course. I am also indebted to the KWS management for nominating me and funding the study. I thank my colleagues at KWS for assisting in the administration of the research questionnaires. I appreciate the guidance received from my university supervisor, Dr Stephen Handa. My colleagues at NDC motivated and encouraged me to remain focused on the work plan. The monitoring of the thesis progress by the Senior Directing Staff (SDS) Army, Brig W S Wesonga played a key role in meeting deadlines for set milestones. My family supported me in various ways which included coping with my absence. It may not be possible to name each individual who supported me but your assistance is hereby acknowledged.

OPERATIONAL DEFINITION OF TERMS

Illegal wildlife trade	the illegal collecting, transporting and distributing of wild animals and their derivatives at domestic or international levels.
Multi-agency approach	incorporates the process whereby entities, agencies or institutions work as a team in enhancing the countering of transnational wildlife crime from prevention, detection, investigation to prosecution.
Transnational organized crimes	offenses which are committed across national borders by a group of at least three members structured and existing for a period of time in order to secure financial or material benefits directly or indirectly.
Transnational wildlife crime	includes offenses against laws, rules or regulations governing wildlife matters whose initiation, execution directly or indirectly affects or involves more than one country. They are therefore offences that cross international borders or which affect the interests of more than one state. In this study it will include illegal wildlife trade, wildlife trafficking and poaching.
Types of multi-agency approach	the form or model adopted by agencies participating in a multi-agency initiative.
Countering / combating transnational wildlife crime	these are initiatives and efforts aimed at preventing, reducing, deterring, and controlling wildlife crimes that are planned and carried out across international borders. Countering and combating are interchangeably used in this and other reviewed studies.
Successfulness of the multi-agency approach	the degree to which the collaboration of various authorities and entities to combat transnational wildlife crimes is achieving its goal of reducing transnational wildlife crimes. In this study, successfulness is synonymous to effectiveness.
Multi-agency collaboration	the action of two or more agencies working together to pursue mutual benefits in addressing transnational wildlife crime. Participating agencies enjoy more interdependence but take higher risks and higher level of commitment and contribution to information and resource sharing.

ABSTRACT

This study examined the successfulness of multi-agency approach in countering transnational wildlife crime in Africa utilizing a case study of Kenya (2010 – 2021). The international community is confronted by increasing wildlife crime which is responsible for increased poaching, illegal wildlife trade and driving some species to extinction thereby depriving communities, countries and regions of income opportunities. The best intentions and efforts notwithstanding, effective countering of transnational wildlife crime cannot be achieved by a single nation in the world or a single agency in a country. Therefore, countering transnational wildlife crime effectively calls for coordinated efforts structured on local, national, regional, and international cooperation. The study objectives include; “examining the type of multi-agency approach for countering transnational wildlife crime in Kenya, assessing the diverse strategies used in countering transnational wildlife crime in Kenya and analyzing the challenges facing the multi-agency collaboration in countering transnational wildlife crime in Kenya.” The structural-functional theory and the general systems theory were utilized to explain the workings of multi-agency approaches. This study was conducted within Nairobi City, Mombasa City and selected border posts which are key areas affected by transnational wildlife crimes and have multi-agency teams in place. Non-probability sampling techniques were used to select study population that had knowledge and mandate on countering transnational wildlife crime. The study employed both primary data generated through use of questionnaires, interview guide and FGD’s while secondary data was sourced from official periodic reports of security agencies, government ministries and departments, NGOs and IGOs, academic journals, thesis, dissertations, monographs, online reports, global wildlife crime reports and statistics. Qualitative analysis was used to analyze the qualitative data collected where descriptive statistics were used to describe the responses. The findings established that; the multi-agency approach for countering transnational wildlife crime in Kenya, is based on institutional framework anchored on numerous laws and institutions. The KWS is the government agency mandated to protect and manage wildlife resources in Kenya. Other key notable institutions mandated with countering transnational wildlife crime in Kenya include; the ODPP, NPS, NIS, DCI, KRA, KAA and KPA. Further, coordination is critical in enhancing the success of multi-agency initiatives. It was most effective in prosecution of wildlife crime cases and in multi-agency units established formally through a MoU and where coordination is explicitly provided for in legislation or engagement instructions. The multi-agency initiatives have led to reductions in poaching and wildlife trafficking through Kenya. The multi-agency efforts have faced myriad of challenges which include; inadequate resources, corruption and conflicting agency cultures among others. The study recommends for mainstreaming of multi-agency approach in an overarching legislation and policy instead of leaving it at the wish of agency leadership or sectoral policies. A concerted research directed towards developing up-to-date policies capable of solving 21st century wildlife crimes, which have advanced with global technological and logistical transformation is also recommended.

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ABBREVIATIONS AND ACRONYMS

ANAW	African Network for Animal Welfare
AP	Administration Police
ARACY	Australian Research Alliance for Children and Youth
AU	African Union
AWF	African Wildlife Foundation
CCP	Container Control Program
CITES	Convention on International Trade in Endangered Species of fauna and flora
DCI	Directorate of Criminal Investigations
DIS	Directorate of Immigration Services
EAAP	East Africa Association of Prosecutors
EAC	East African Community
EACC	Ethics and Anti-Corruption Commission
EIA	Environmental Investigation Agency
FRC	Financial Reporting Center
GLJCN	Great Lakes Judicial Cooperation Network
GSU	General Service Unit
IACCWC	Inter-Agency Committee Combating Wildlife Crime
ICCWC	International Consortium on Combating Wildlife Crime
IFAW	International Fund for Animal Welfare
IGO	Intergovernmental Organisation
INL	Bureau of International Narcotics and Law Enforcement Affairs
INTERPOL	International Criminal Police Organisation

IWCWG	Interpol Wildlife Crime Working Group
JCTAC	Joint Counter Terrorism Analysis Center
JKIA	Jomo Kenyatta International Airport
JPCU	Joint Port Control Unit
JTI	Judiciary Training Institute
KAA	Kenya Airports Authority
KCGS	Kenya Coast Guard Service
KEPHIS	Kenya Plant Health Inspectorate Service
KFS	Kenya Forest Service
KMA	Kenya Maritime Authority
KPA	Kenya Ports Authority
KRA	Kenya Revenue Authority
KWS	Kenya Wildlife Service
LATF	Lusaka Agreement Task Force
LRA	Lord's Resistance Army
MoNRE	Ministry of Environment and Natural Resources
MoTW	Ministry of Tourism and Wildlife
MoU	Memorandum of Understanding
NACOSTI	National Commission for Science and Innovation
NCB	National Central Bureau
NCTC	National Counter Terrorism Center
NDC	National Defense College
NEST	National Environmental Security Task Force

NGO	Non-Governmental Organisation
NIAP	National Ivory Action Plan
NIS	National Intelligence Service
NPS	National Police Service
NTSCIU	National and Transnational Serious Crimes Investigation Unit
ODPP	Office of the Director of Public Prosecutions
OECD	Organisation for Economic Cooperation and Development
PCU	Port Control Unit
ROUTES	Reducing Opportunities for Unlawful Transport of Endangered Species
RUSI	Royal United Services Institute
SADC	Southern African Development Community
SOPs	Standard Operating Procedures
SPSS	Statistical Package for Social Sciences
UK	United Kingdom
UN	United Nations
UNGA	United Nations General Assembly
UNODC	United Nations Office on Drugs and Crime
UoN	University of Nairobi
US	United States
USAID	United States Agency for International Development
WB	World Bank
WCO	World Customs Organisation
WWF	World Wide Fund for Nature

CHAPTER ONE: INTRODUCTION

1.1 Introduction

This introduction chapter sets the basis upon which the Multi-agency approach was adopted and its successfulness in countering transnational wildlife crime. It specifically provides the background information of the study, statement of the problem, research questions and objectives. It details the reviewed literature, the knowledge gaps identified and justification of the study. It also outlines the theoretical framework adopted to guide the study and the research hypothesis. The research methodology is also outlined to cover sampling techniques employed, data collection, analysis and presentation. Finally, ethical considerations, the scope and limitations and of the study are detailed.

1.2 Background to the Study

The international community is confronted by an expanding transnational character of wildlife crime. Transnational wildlife crime has been acknowledged as a security threat cutting across all spheres and a hindrance to sustainable development.¹ It is a multi-billion crime that is currently ranked among the top five global illegal trade by size alongside drug-smuggling, arms trafficking, counterfeiting of goods and human trafficking.² It is responsible for increased poaching, illegal wildlife trade and driving some species to extinction thereby depriving communities, countries and regions of income opportunities. This is exemplified through documented cases of armed groups such as the Lord's

¹United Nations Environment Programme. 2014. *The environmental crime crisis: threats to sustainable development from illegal exploitation and trade in wildlife and forest resources*. UNEP, Nairobi. Accessed on 02/06/2022 at <https://wedocs.unep.org/20.500.11822/9120>

²Esmail, Nafeesa; Wintle, Bonnie C.; t Sas-Rolfes, Michael; Athanas, Andrea; Beale, Colin M.; and 20 others. Emerging illegal wildlife trade issues: A global horizon scan. *Conservation Letters*, (2020), (13) 4. Accessed on 09/08/2021 at <https://doi.org/10.1111/conl.12715>

Resistance Army (LRA) and Al-Shabaab having profited from elephant and rhino poaching.³ Over 20,000 African elephants were poached in 2013 and there were record large scale ivory seizures made in Africa.⁴ Eighty percent of the seizures were from three African countries of Kenya, Tanzania and Uganda, and the 2014 elephant poaching was the highest in 20 years.⁵

The threat posed by transnational wildlife crime is summarized by the Convention on International Trade in Endangered Species of fauna and flora (CITES) as “a serious threat to the security, political stability, economy, natural resources and cultural heritage of many countries and regions.”⁶ The adoption of several resolutions, statements and declarations in diverse forums and at highest levels reflects the increased global concern over the devastating impacts of transnational wildlife crime.⁷ The United Nations General Assembly (UNGA) has adopted resolutions which highlight the significance of the problem and called for change of strategies to effectively counter it. The United States of America (USA) advised that transnational wildlife crime is a global challenge which should be viewed beyond environmental perspectives due to its security, health and economic implications.⁸

³Barron, David H. “How the Illegal Wildlife Trade Is Fueling Armed Conflict.” *Georgetown Journal of International Affairs*, vol. 16, no. 2, 2015, pp. 217–27.

⁴ Clarke A.J. and Babic Adriana. 2016. “Wildlife trafficking trends in sub-Saharan Africa”, in OECD, *Illicit Trade: Converging Criminal Networks*, P-61. OECD Publishing, Paris.

⁵ Ibid

⁶ CITES. “Wildlife Crime”. <https://cites.org/eng/prog/iccwc/crime.php> Accessed on 09/08/2021

⁷ Ibid

⁸ Lawson Katherine and Vines Alex. 2014. *Global Impacts of the Illegal Wildlife Trade. The Costs of Crime, Insecurity and Institutional Erosion.* The Royal Institute of International Affairs, Chatham House, London.

The African continent which is endowed with diverse wildlife resources avers similar concerns through the African Union (AU). The AU has stated that Africa has been presented with additional security and governance concerns due to evidence that has linked some non-state armed groups and transnational organized criminal networks to transnational wildlife trafficking thus increasing interest and urgency in addressing the illegal wildlife trade.⁹

At the national level Kenya has been a victim of transnational wildlife crime due to her rich and diverse wildlife resources and for being a major tourist destination and a strategic trade, investment and transport hub. The country has recorded increase in wildlife poaching and trafficking in the past decades. Weru posits that the number of elephants and rhinos poached in Kenya in 2012 and 2013 were higher than any other year in the previous two decades.¹⁰ He further notes that Kenya's wildlife and custom authorities seized more illegally acquired wildlife parts that were in transit in 2013 than any other year in history.

The best intentions and efforts notwithstanding, effective countering of transnational wildlife crime cannot be achieved by a single nation in the world or a single agency in a country. Therefore, countering transnational wildlife crime effectively calls for coordinated efforts structured on local, national, regional, and international cooperation.¹¹

The escalation of criminal networks across boundaries and continents has become a major challenge to law enforcement agencies especially those that do not collaborate. This has

⁹ African Union. 2015. "African Strategy on combating illegal exploitation and illegal trade in fauna and flora in Africa." AU, Addis Ababa.

¹⁰ Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya.* TRAFFIC, Cambridge.

¹¹ Pires Stephen F. and Moreto William D. 2016. *The Illegal Wildlife Trade.* Oxford Handbook.

led to the need for flexibility and innovation in law enforcement agencies.¹² Accordingly governments have been prompted to adopt the multi-agency approach as one of the strategies for countering transnational crimes. Its successful application in addressing terrorism, human trafficking and corruption has led to its adoption in other sectors such as wildlife crime. According to Rita, “multi-agency approach is where more than one agency work together jointly, sharing aims, information, tasks and responsibilities in order to prevent or manage a security issue.”¹³ Some of the common approaches adopted in the multi-agency approach include inter-agency, integrated, multidisciplinary, and joint and partnership working.

In 2015 the UNGA recommended the multi-agency approach for combating illegal wildlife trade.¹⁴ Subsequently, the United States of America, the Interpol, the United Nations Office on Drug and Crime (UNODC) and the European Union (EU) are examples of countries and intergovernmental organizations that have adopted the multi-agency approach in combating transnational wildlife crimes. At the regional level, the East African Community (EAC) urged partner states to adopt the multi-agency approach to effectively address wildlife crime. A 2020 US taskforce report on major wildlife trafficking countries lists Kenya, Tanzania, Madagascar and Vietnam as having high levels of inter-agency cooperation in combating transnational wildlife crime although the assessment is not

¹²Brocklesby J. Using the viable systems model to examine multi-agency arrangements for combating transnational organized crime. *Journal of the Operational Research Society* (2012), 418-430 p-420

¹³Cheminais, Rita. 2009. *Effective Multi-Agency Partnerships*. SAGE, London.

¹⁴ United Nations. Resolution adopted by the General Assembly on 30 July 2015. 69/314 Tackling Illicit Trafficking in Wildlife. Accessed on 14/08/2021 at https://cites.org/sites/default/files/eng/news/pr/2015/UNGA_res_illicit_trade_wildlife.pdf

unanimous on Kenya, Tanzania and Vietnam.¹⁵ The popularity of the multi-agency approach is thought to be due to enhanced shifts in governance and crime control.¹⁶

Multi-agency approach in combating crime has attracted interest in literature but much of the research has tended to focus on the mainstream crimes such as drugs, terrorism and counterfeits. Further, majority of research in wildlife crimes has been focused on the biodiversity and conservation issues leaving the security aspects less examined.¹⁷ On the other hand, Brockelsby reveals that despite the popularity of current multi-agency approaches such as the whole of government, joined-up government or integrated government approaches, plenty of literature is pointing to their pitfalls.¹⁸ Becky further notes that there is less empirical evidence of what works best with the approaches.¹⁹ This informed the examining of the application of the multi-agency approach in countering transnational wildlife crime in Kenya to be the subject of this study.

In Kenya the multi-agency approach gained prominence after the September 11th, 2001 terror attacks in the United States and has been successfully used to counter terrorism and violent extremism. However the rapid increase in rhino and elephant poaching and subsequent rise in illegal wildlife trade since 2007 increased calls for multi-agency approach in combating wildlife crimes globally. This was after the realization that it

¹⁵U.S Department of State. 2020 Report to Congress on Major Wildlife Trafficking Countries. Eliminate, Neutralize, and Disrupt (END) Wildlife Trafficking Act of 2016.

¹⁶Bjelland Heidi Fischer and Vestby, Annette. "It's about using the full sanction catalogue: On boundary negotiations in a multi-agency organised crime investigation. *Policing and Society: An International Journal of Research and Policy*", (2017). 27(6), 655-670. doi: 10.1080/10439463.2017.1341510

¹⁷ Lawson Katherine and Vines Alex. 2014. Op.Cit.

¹⁸Brocklesby J. 2012. Op.Cit. P-422

¹⁹ Carter Becky. 2015. Multi-agency stabilization operations. Helpdesk Research Report. Accessed on 18/08/2021 at <http://gsdrc.org/docs/open/hdq1198.pdf>

required a whole of government approach to combat transnational wildlife crime which was beyond the capacity of single law enforcement units to effectively handle.

1.3 Statement of the Problem

Wildlife crime continues to be a serious transnational crime that threatens all spheres of life. Consequently it has attracted global attention with the need for all levels of collaboration being fronted as one of the strategies to counter it. The multi-agency approach is one of the collaborative initiatives adopted by many countries such as Kenya to counter wildlife crimes particularly poaching and transnational wildlife trafficking. This was in response to increased elephant and rhino poaching and subsequent transnational trafficking of elephant ivory, rhino horns, and pangolin scales between 2007 and 2014.

However the successfulness of the multi-agency approach in countering transnational wildlife crime in Kenya remains largely less studied. This is despite the widely acknowledged consequences of transnational wildlife crime globally on one hand and the popularity of the multi-agency approach in countering other transnational crimes such as terrorism, human and drug trafficking on the other hand. Moreover, the type of the multi-agency approach adopted in Kenya to counter transnational wildlife crime needs to be understood. Besides, the challenges facing this approach in countering transnational wildlife crime in Kenya are less understood thus requiring exploration. It is for this reasons that this study is being undertaken.

1.4 Research Questions

The study sought to answer the following research questions

- i. What type of multi-agency approach is used in countering transnational wildlife crime in Kenya?
- ii. What are the diverse multi-agency strategies used in countering transnational wildlife crime in Kenya?
- iii. What are the challenges facing the multi-agency collaboration in countering transnational wildlife crime in Kenya?

1.5 Research Objectives

The main objective of the study was to examine the successfulness of multi-agency approach in countering transnational wildlife crimes in Kenya. The specific objectives of the study were:

- i. To examine the type of multi-agency approach for countering transnational wildlife crime in Kenya
- ii. To assess the diverse multi-agency strategies used in countering transnational wildlife crime in Kenya.
- iii. To analyze the challenges facing the multi-agency collaboration in countering transnational wildlife crime in Kenya

1.6 Literature Review

The cross cutting nature and impact of transnational wildlife crime, its linkages to other organized crimes and networks has led to growing consensus on the need for unified and effective responses at all levels. The global transnational wildlife crime is estimated to be worth between 7 to 23 billion US dollars annually and is ranked among the top five illicit

global transnational crimes.²⁰ In recent past transnational wildlife crime has increased in profile as a global policy issue chiefly because of being associated with declines in iconic wildlife species trafficked globally and its nexus with other organized crimes such as human, drug and arms trafficking, money laundering and counterfeiting.

Researchers have cited massive ivory seizures as being indicative of engagement of organized criminal groups in transnational wildlife crime as the logistics required to traffic at such magnitude is outside the capacity of individuals.²¹ The involvement of non-state armed groups in transnational wildlife crimes has been established and documented. Examples include the Taliban benefiting from the lucrative illicit falconry trade in Afghanistan, the Janja-weed of Darfur, invaded Chad and Cameroon for illegal ivory during the “north–south” war in Sudan.²² Others included the LRA in Uganda which was involved in elephant poaching.

To remedy the challenges of fighting the transnational and interlinked nature of wildlife crime, the global community has charted a united front to counter the crime. Examples include the adoption of the first resolution on wildlife trafficking in 2015 by the UNGA and the UK government which conducted several international conferences and one regional event, which were geared toward responding to the topic in 2014 to 2018 respectively.²³ Multi-agency approach is one of the strategies that have been adopted

²⁰ Martin Evans. "Insecurity, Informal Trade and Timber Trafficking in the Gambia/Casamance Borderlands", *Journal of Borderlands Studies*, (2022) 37, 237-294

²¹ Ibid

²² WWF. 2012. "Fighting Illicit Wildlife Trafficking: A Consultation with Governments." WWF International, Gland, Switzerland.

²³ Esmail, Nafeesa; Wintle, Bonnie C.; t Sas-Rolfes, Michael; Athanas, Andrea; Beale, Colin M. and 20 others. Emerging illegal wildlife trade issues: A global horizon scan. *Conservation Letters*, (2020), (13) 4. Accessed on 09/08/2021 at <https://doi.org/10.1111/conl.12715>

globally to counter transnational crimes. The institution of the International Consortium on Combating Wildlife Crime (ICCWC) is one such global multi-agency collaborative initiative by five inter-governmental organizations. The ICCWC mission is to enhance coordinated efforts at all levels to fight wildlife and forest crime. The partner inter-governmental organizations are, the CITES Secretariat, INTERPOL, UNODC, World Bank (WB) and World Customs Organisation (WCO).

1.6.1 Types of Multi-Agency Approach

Enhancement of synergism among agencies engaged in addressing the complexity, dynamism, evolving and diverse nature of transnational crime is often the primary objective of a multi-agency approach. The multi-agency initiatives can take various forms or models. Liddle and Gelsthorpe articulate that the type of multi-agency adopted has a bearing on crime prevention since it influences a range of individual, organisational and old factors that shape inter-agency cooperation.²⁴ Research has revealed that multi-agency approach increases opportunities for applying appropriate legal tools in prosecution of criminal cases.²⁵ Kenya's multi-agency counterterrorism strategies have been found to have made solid contributions to prosecution of terrorism cases due to credible evidence availed by the Joint Counter Terrorism Analysis Centre (JCTAC) tactical teams.²⁶ Other

²⁴Liddle, A. Mark, and Loraine R. Gelsthorpe. 1994. *Crime Prevention and Inter-Agency Co-operation*. Crime Prevention Series: Paper No.53, London: Police Research Group.

²⁵ Mazerolle, L. G. and Ransley, J. 2006. *Third-party policing*. Cambridge: Cambridge University Press. P-194

²⁶ Kivunzi, J. and Nzau, M. An Evaluation of the Effectiveness and Challenges of Counterterrorism Strategies in Kenya. *International Journal of Social and Development Concerns*, 2018, 2 (2)

benefits of multi-agency efforts include reduced work load for single agencies and the facilitation of pragmatic approaches resulting in more effective law enforcement.²⁷

The spanning of jurisdictions of organized transnational criminals and the multi-disciplinary nature of wildlife conservation have necessitated multi-agency cooperation and coordination.²⁸ Multi-agency can be undertaken through formal and informal set ups. It can also be undertaken through structures which range from ad hoc or temporary task forces, permanent and national cross jurisdictional agencies or units. The multi-agency approach has been modelled in different arrangements.²⁹ Gelsthorpe posits that multi-agency initiatives can take a variety of forms including the five models of communication, cooperation, coordination, federation and merger.³⁰ In the communication model, the participating agencies limit their engagements to one- and two-way communications through partial or full disclosure of information.

In the cooperation model, agencies work on a mutually defined problem while maintaining their identities and jurisdiction. The approach can be through joint action or through consensual agreement to be led by one or more agencies. The coordination model entails distinctive agencies working systematically to tackle mutually agreed problems. It may involve pooling of resources. In federation model agencies operate integrated services by sharing some centralized services. The merger model entails formation of an

²⁷ Mazerolle, L. G. and Ransley, J. 2006. *Third-party policing*. Cambridge: Cambridge University Press. P-194

²⁸ Karanja David Wang'ombe. *Assessment of the factors that have led to increased poaching activities in Kenya*. University of Nairobi, 2019. Masters Thesis

²⁹ Sarma, Kiran M. *Multi-Agency Working and Preventing Violent Extremism*, RANH&SCISSUE Paper, April 2018.

³⁰ Gelsthorpe, Loraine R. 1985. *The Community Service Volunteers/Kent Initiative*. Report IV, London: Police Research Group: Crime Prevention Unit Series.

indistinguishable unit to work on a mutually defined problem through collective pooling of resources. On the other hand, Atkinson reviewed literature on the working and implications of multi-agency teams and concluded that models for multi-agency initiatives can be classified based on two criteria, extent and organization of multi-agency teams.³¹

On extent of multi-agency approach, Townsley provided three types of working namely autonomous, coordinated and integrated working.³² In autonomous working, professionals from respective participating agencies work jointly to achieve specific objectives. In coordinated working, a multi-agency task group or panel with single or multi-agency funding is used. Integrated working is a synthesized and coordinated style where officers operate as a team under the coordination of an appointed worker who liaises with other collaborating agencies.

The models based on organization of multi-agency activity expounded by Atkinson, Doherty and Kinder are the decision making, service delivery and operational team models.³³ In the decision making model of multi-agency approach the participating teams work together in making strategic decisions required to resolve crime issues at hand. Decision making approach may include the involvement of various professionals from varied regions or jurisdictions.³⁴ On the other hand the service delivery model of multi-

³¹ Atkinson Mary, Johnes Megan and Lamont Emily. 2007. Multi-agency working and its implications for practice: A review of the literature. CFBT Education Trust, Slough. Accessed on 15/08/2021 at <https://www.nfer.ac.uk/media/2001/mad01.pdf>

³² Townsley, Ruth., Watson Debby and Abbott David. "Working partnerships? A critique of the process of multi-agency working in services to disabled children with complex health care needs". *Journal of Integrated Care*, (2004). 12, 2, 24–34. Accessed on 12/09/2022 at <https://doi.org/10.1108/14769018200400013>

³³ Atkinson Mary, Doherty Paul and Kinder Kay. Multi-agency working: models, challenges and key factors for success. *Journal of Early Childhood Research*, (2005). 3(1), 7-17.

³⁴ Kiran M. Sarma. Multi-Agency Working and Preventing Violent Extremism, RANH&SCISSUE Paper, April 2018.

agency approach involves the establishment of a multi-agency team by drawing experts from various groups to coordinate the delivery of desired services in an integrated approach. This approach is often used for both operational and strategic value, including building community resilience and foiling of terrorism. In the third and last approach, the operational team delivery, various agencies are brought together purposely to provide services which are largely operational to a specific group.³⁵

An assessment by the Environmental Investigation Agency (EIA) of 15 selected countries in the world revealed that the Eastern and Southern Africa countries have largely adopted the task force model of multi-agency approach in countering wildlife crimes. According to the report, “Botswana has a National Anti-Poaching Task Team charged with improving collaboration between enforcement agencies and devise strategies for joint combating of wildlife crime.”³⁶ Malawi has had an Inter-Agency Committee Combating Wildlife Crime (ACCWC) since 2014 for enhanced information sharing.³⁷ Mozambique established an Inter-Ministerial Task Force in 2014 mandated with combating wildlife crime. In South Africa, the National Wildlife Crime Reaction Unit (NWCRU) was initiated in 2010 to help in dissemination of information as well as coordinate enforcement responses.³⁸ Uganda has an Inter-Agency Task Force.

Most of the multi-agency approaches and models have however been studied in the provision of child services and mainstream crimes of terrorism and human trafficking with

³⁵ Ibid

³⁶ Environmental Investigation Agency. 2016. *Time for Action. End the criminality and corruption fueling wildlife crime*. EIA, London. Accessed on 17/05/2022 at <https://eia-international.org/wp-content/uploads/EIA-Time-for-Action-country-profiles-FINAL.pdf>

³⁷ Ibid

³⁸ Ibid

no feedback on applicability in wildlife crimes. Atkinson *et al* recommends conducting a research “to examine which models of multi-agency activity bring about which types of outcomes for professionals, agencies and, importantly, for service users.”³⁹

The use of multi-agency approach in countering transnational crimes has been found to have varied outcomes. As discussed earlier, Brockelsby has cautioned that the popularity of the various collaborative approaches is not an endorsement of their infallibility since there is literature pointing to their downsides.⁴⁰ Barrett while lauding the effectiveness of multi-agency approach in disrupting criminal activities harming the environment posits that in each jurisdiction the approaches will require fit for purpose partnerships and activities. He further asserts that each environmental crime case is different, and each requires its own tailor-made response.⁴¹ Thus the need for research that investigates the application of multi-agency approach in the context of combating transnational wildlife crime in Kenya.

1.6.2 The Outcome of the Multi-agency Approach in Countering

Transnational Wildlife Crime

The benefits of multi-agency approach have been applauded globally as one of the surest means of overcoming the fragmentations of security operations within and outside the sovereign states and in shared jurisdictions as well as for harnessing the knowledge, expertise and best practices amongst agencies.⁴² A multi-agency approach allows

³⁹ Atkinson Mary, Johnes Megan and Lamont Emily. 2007. Op.Cit

⁴⁰ Brocklesby J. Op.Cit. P-422

⁴¹ Barrett Stoyan and White Rob. Disrupting environmental crime at local level. Palgrave Communications (2017), 3(1). P-6

⁴² Sarma, Kiran M. Multi-Agency Working and Preventing Violent Extremism, RANH&SCISSUE Paper, April 2018

participating states or agencies to share expertise, resources, charter a common perspective, language, assessment and formulation of objectives and outcomes, thereby enhancing the effectiveness and efficiency of multi-agency teams.⁴³

Despite the exaltation of the multi-agency approach in countering crimes, there is comparatively less research on the contribution of the approach to countering transnational wildlife crimes. Sellar, while comparing law enforcement responses to drug and firearm trafficking notes that multi-agency approaches have proven to be highly effective in combating transnational wildlife crime.⁴⁴ It was noted that in the US many successful wildlife law enforcement operations were those where the United States Fish and Wildlife Service (USFWS) collaborated with other state and federal law enforcement agencies. In the New Zealand, success occurred through collaborations and coordination and it was the multi-agency approach that gave the New Zealand Wildlife Enforcement Group (WEG) an advantage over the European Customs only counterpart units. Due to the success of the multi-agency model, India has established a Wildlife Crime Control Bureau and the neighboring countries such as Bangladesh and Nepal are following suit.⁴⁵ While there can be no-size-fit-all approach to countering transnational wildlife crime a clear lesson is that go it alone approach does not work.⁴⁶

⁴³ Greenhouse, Paul Michael. "Activity theory: a framework for understanding multi-agency working and engaging service users in change". *Educational Psychology in Practice*, (2013), 29(4), 404-415.

⁴⁴Sellar, John M. 2014. *Policing the trafficking of wildlife: Is there anything to learn from law enforcement responses to drug and firearm trafficking?* The global initiative against transnational organized crime, Geneva.

⁴⁵ Ibid – p18

⁴⁶ Ibid – p19

In Africa the Lusaka Agreement Task Force (LATF) which is an intergovernmental organization on wildlife law enforcement in East, Central and Southern Africa has been lauded for considerable success in capacity building and several significant operational achievement.⁴⁷ However the agency has suffered funding problems and has been cited that it may not be the best model to be followed in other parts of the world. Gore singles out Namibia Anti-poaching Team and Tanzania's National Task Force on Anti-Poaching as some of the promising examples of successful multi-agency task forces in sub-Saharan Africa.⁴⁸ Formed in 2016 through a cabinet directive to all law enforcement agencies to assist the Ministry of Environment to address rhino and elephant poaching, the Namibian team has included financial investigations in all its wildlife crime cases. It is composed of government agencies and a non-profit local organisation.

Tanzania has recorded some success in countering wildlife crime since the introduction of a multi-agency task force in August 2016. The National and Transnational Serious Crimes Investigation Unit (NTSCIU) is comprised of Tanzania People's Defence Force, Police, intelligence, wildlife, forest, prosecution, prisons, immigration, corruption, drugs and revenue authorities.⁴⁹ The multi-agency work is guided by the 2014 national strategy on fighting wildlife crime. The key aim of the Tanzanian task force is to coordinate efforts and resources as well as seeking engagement with the criminal justice system. The success of these task forces contrasts with the situation in West and Central Africa where lack of

⁴⁷ Ibid - p19

⁴⁸Gore, Amanda. 2021. *Tracking bloody money: Financial investigations into wildlife crime in East Africa*. Political Economy Analysis, Geneva: Global Initiative Against Transnational Organized Crime. P-35

⁴⁹ Ibid – p38

multi-agency efforts is one of the prominent challenges facing efforts to control wildlife crime.⁵⁰

According to the EIA effective multi-agency units have contributed to increased arrests and prosecutions in some illegal wildlife trafficking countries. The engagement of multi-agency unit in Tanzania, and the NTSCIU has helped in prosecution of ivory traffickers.⁵¹ The multi-agency mechanisms on wildlife crime in Malawi and Mozambique were rated as having made significant progress while those of South Africa and Uganda were rated as having made some progress.⁵²

Locally, Karanja while examining the effectiveness of multi-agency security strategies to counter poaching activities in Kenya established that previous strategies that focused on law enforcement, gathering and sharing intelligence, and awareness creation were less effective since poaching was continuing at a rate that could lead to extinction.⁵³ It was not until the multi-agency approach was adopted that the poaching reduced. Elephant poaching is however both a localized and transnational crime and it cannot be assumed to be representative of transnational wildlife crimes. Neither can multi-agency approach adopted in combating poaching be construed to adequately represent a comprehensive approach to counter transnational wildlife crime.

⁵⁰UNODC. 2018. West and Central Africa Wildlife Crime Threat Assessment. CoP18, Doc 34, Annex 4. P-95

⁵¹Environmental Investigation Agency. 2016. Op Cit

⁵²Ibid

⁵³Karanja David Wang'ombe. Op Cit

There is there a need for a comprehensive study on the application of the multi-agency approach in countering transnational wildlife crime. Moreover, the US assessment report on Kenya as a Focus Country in 2020 though acknowledging high inter-agency collaboration in countering transnational wildlife crime, notes that there was no unanimity among the US Government personnel on Kenya. This classification points to Kenya being a major global concern as a source and transit country for illegally acquired wildlife products.

The effectiveness of the multi-agency approach has varied across the various transnational crimes. Kibusia⁵⁴ established that the approach has been effectual in fighting terrorism in Kenya while Muthondeki⁵⁵ found that the approach was ineffective in fighting corruption due to corruption and poor enforcement capacity. The multi-agency approach has been researched along traditional crime spheres of terrorism, human trafficking, corruption and drug trafficking with little attention to transnational wildlife crime. Muthondeki notes that previous studies undertaken in Kenya by the National Crime Research Center (NCRC) focused more on the levels of organized and emerging crimes and further observes that the UNODC focused more on human trafficking and drugs than on the multi-agency approach.⁵⁶ Thus an analysis of the effectiveness of various interventions in countering wildlife crimes is one of the areas identified by researchers as requiring further research. The absence of research knowledge to defend current wildlife crime practices provides

⁵⁴Kibusia, Joseph Kalyamoi. Contribution of the multiagency approach to security in the fight against terrorism in Kenya: case of disciplined forces. Institute of Diplomacy and International Studies, University of Nairobi, 2020, Masters Thesis.

⁵⁵Muthondeki, David Kaberia. Dealing with Organised and Transnational Crime in Kenya: A multi-Agency Approach. *The International Journal of Humanities & Social Studies*, (2019), 7(10)

⁵⁶ Ibid

justification for examining the multi-agency approach adopted in countering transnational wildlife crime in Kenya.

1.6.3 Challenges Facing Multi-agency Approach in Countering Transnational Wildlife Crime

There is evidence in previous research on factors influencing multi-agency teams pointing to unanimity and consensus in the midst of diversity of sources and sectors.⁵⁷ The challenging factors can be grouped into four categories namely “working relationships, multi-agency process, resources for multi-agency work and, management and governance.” The categories and factors affecting multi-agency teams are summarized below;

- i) Working relationship – the factors are role demarcation, commitment, trust and mutual respect and understanding of other agencies
- ii) Processes in the multi-agency framework – communications, purpose clarification, planning and consultation, organizational aspects, information exchange
- iii) Resourcing of multi-agency work - funds, staff and time factors
- iv) Management and governance - leadership, governance and performance management

As previously stated wildlife crimes have largely not been regarded as mainstream crimes. This peripheral view has been confirmed to result in law enforcement responses that are not commensurate with the scale or rapid increase in similar organized crimes such as human trafficking.⁵⁸ This is opined by Shelley to lead to less coordinated multi-agency

⁵⁷ Atkinson Mary, Johnes Megan and Lamont Emily. 2007. Op.Cit

⁵⁸Shelley Louise. 2014. Human Smuggling and Trafficking into Europe: A Comparative Perspective. Migration Policy Institute, Washington, DC.

response compared to responses applied to combat drug trafficking.⁵⁹ While existing literature facilitates the classification of challenges facing multi-agency initiative, the extent to which these challenges are prevalent across the various initiatives and the extent to which they are agency specific is unclear.⁶⁰ Accordingly there is need to examine challenges facing multi-agency approach in the context of countering transnational wildlife crimes in Kenya. There is no known study that examined the challenges experienced in using the multi-agency model to counter transnational wildlife crime in Kenya.

1.7 Justification of the Study

The push for and adoption of the multi-agency approach in countering transnational wildlife crime globally denotes the popularity of the approach. This can be attributed to presumed success of the strategy which has been successful in addressing other types of transnational crimes such as terrorism, human and drug trafficking. The success of the approach in the other forms of transnational crimes notwithstanding, the successfulness of the approach in countering wildlife crimes is yet to be examined empirically. In Kenya wildlife crimes are not exclusively under the jurisdiction of the national security organs since the mandate to protect and manage Kenya's wildlife resources is entrusted to the national wildlife authority, the Kenya Wildlife Service, which is not represented in the national security architecture. It is therefore important that the multi-agency approach be examined in the context of a field that is not under the jurisdiction of the traditional policing

⁵⁹ Ibid

⁶⁰ Atkinson Mary, Wilkin Anne, Stott Alison, Doherty Paul and Kinder Kay. 2001. Multi-agency Working: A detailed study. National Foundation for Educational Research, Slough, England.

agencies. Moreover wildlife crime has cross cutting agency jurisdictional impacts due to the interdisciplinary nature of wildlife conservation.

Most research on wildlife crimes emanates from the conservation sciences and is largely focused on impacts of crime on conservation with less attention on wildlife crime control, reduction and prevention. Kenya has already adopted the multi-agency approach in countering wildlife crime and other organized crimes. Consequently substantial investments and resources have been directed towards the implementation of the strategy. This includes the 2015 presidential directive on multi-agency approach on major crimes. It will therefore benefit the government, academia, non-state actors and the global community to examine the successfulness of the multi-agency approach in countering transnational wildlife crime. The findings of this study will inform the Ministry Tourism and Wildlife (MoTW) and the KWS on the role of multi-agency approach in combating wildlife crime.

Kenya's wildlife resources which are negatively impacted by transnational wildlife crime are important assets to the country. In addition to providing critical ecological services such as critical water catchment areas and biodiversity reservoirs, they are central to Kenya's tourism industry as they contribute over 10% of the country's Gross Domestic Product (GDP) and over 18% of foreign exchange earnings.⁶¹ The findings will also serve as lessons learned enabling the sustenance and enhancement of opportunities and addressing the

⁶¹Ministry of Tourism and Wildlife. 2020. *Sessional Paper No. 10 of 2020 on Wildlife Policy*. Policy, Nairobi: Ministry of Tourism and Wildlife. p-v

challenges facing the approach. The findings may also be replicated by other sectors and law enforcement agencies including the INGO's focused on wildlife conservation.

The study generates knowledge which serve as reference for students, academia and policy makers in their studies, teachings, training, research and strategy formulation. Evaluations of such interventions in the wildlife sector are critical in order for the academic and policy communities to be acquainted with such structures or models. The study is also an appraisal of the performance of the multi-agency approach and may, therefore, be useful in informing future decisions of the government and other partners on the justifications for continuing with the approach as well as areas of further research.

Kenya has been chosen for the study because of being a biodiverse country whose status as a regional transport hub has exposed it to transnational wildlife crime. It adopted multi-agency approach to counter wildlife crime. The 2010 to 2021 period was chosen due to the emergence of transnational wildlife crime, the role of Kenya as a source and transit country for illegally trafficked ivory and the adoption of the multi-agency approach.⁶²

1.8 Theoretical Framework

This study sought to examine the use of the multi-agency approach in countering transnational wildlife crime in Kenya. The study adopted the Structural-Functional theory and the general systems theory to explain the workings of multi-agency approaches.

⁶²Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya.* TRAFFIC, Cambridge.

1.8.1 Structural Functional Theory

This theory is premised on two units of analysis, the structured analysis and the functional explanations. Structural analysis denotes that society is perceived in relation to patterning of roles, relationships and institution.⁶³ Social issues are articulated at the institutional level instead of being explained as aggregated actions and dispositions of individuals. Institutions and not individuals are the center of the analysis thus making it applicable for the description of the multi-agency models based on extent of participation and organization of the units. The functional view is summed up by comparing society to organs of a body whereby each organ has a role in the whole body.⁶⁴ The various parts of the society like the organism, work together to keep it functioning leading to increased specialization of institutions.⁶⁵ The core of functional analysis are abbreviated AGIL. A stands for “adaptation where collection, production and management of resources is the focus. G denotes goal attainment by identifying key tasks and organizing resources to meet those goals. I stands for integration which is a process of articulating different subsystems and giving meaning to the totality of actions. L denotes latency which is the task of system maintenance and reproduction over successive phases.”

The structural functional theory is applicable for the studying of the multi-agency approach in countering transnational wildlife crime. The multi-agency unit is an institution made up of individuals from respective agencies. The unit just like an institution has set objectives and rules of engagements. Like parts of an organism individuals in the multi-agency unit

⁶³ Garner Roberta T. Structural Functional Theory. *The Blackwell Encyclopedia of Sociology* (2019). John Wiley & Sons Ltd

⁶⁴ Ibid

⁶⁵Eriksen T. H., 2001. Reaction to structural functionalism, *International Encyclopedia of the Social & Behavioral Sciences*, ed, Neil J. Smelser, Paul B. Baltes, Elsevier ltd, 2001.

play distinctive roles to maintain the functioning of the unit. The complexity, dynamism and cross jurisdictional nature of transnational wildlife crime warrants the involvement of various agencies each with a differentiated and specialized role. However the theory's view of society as being coherent whole with a degree of value consensus undergirding their social arrangements has been cited as a major shortcoming.⁶⁶ The theory has been applied in studying multi-agency approach in countering human trafficking in Kenya.⁶⁷

1.8.2 General Systems Theory

This theory was formulated by Von Bertalanffy in 1950s to study systems within the biological field. A system refers to a series of interacting elements that influence one another. All interaction means that elements stand in relations, in that their behavior is different in another relation.⁶⁸ A fundamental concept of the general systems theory is that it focuses on interactions and the key concept of the theory regardless of discipline of application is that the whole is greater the sum of its parts.⁶⁹ Synergy is one of the underlying motives for collaborations. According to the general systems theory, the relationship of interaction between various parts within a good system should be in harmony with each other.⁷⁰ When the unification of isolated objects does not take place, the implication is that the system become dysfunctional and requires fixing.

⁶⁶ Garner, Roberta T. 2019. *Structural Functional Theory*. New York, Wiley.

⁶⁷ Wasike, Robert. 2021. *An assessment of the multiagency approach in combating human trafficking in eastern Africa: A case of Kenya*. Masters Thesis, Nairobi: Unpublished.

⁶⁸Bertalanffy, L. *General System Theory: Foundations, Development, Applications*. George Braziller, New York, 1969. p. 56

⁶⁹Mele Cristina, Pels Jacqueline, and Polese Francesco. A Brief Review of Systems Theories and Their Managerial Applications. *Service Science (2010) 2(1-2): 126 – 135*.

⁷⁰ Forrest, Jeffrey Yi-Lin. *General Systems Theory: Foundation, Intuition and Applications in Business Decision Making*. Springer Nature Switzerland AG, 2018. p. 26

The multi-agency approach is a system whereby synergy among agencies is the primary objective where the outcome of the joint efforts is greater than the sum of individual efforts. Transnational wildlife crime is a deviant character which undermines unified societal system and requires fixing to achieve harmony. The state through its institutions and partners has the ability to use available information to fix parts of the system that undermines its harmony. Such undermining parts can be equated to transnational wildlife crime. The state through the multi-agency approach could use various institutions of the state to pool resources and effectively confront transnational wildlife crimes. General Systems Theory has been used in the study of organizations and specifically in the study of the criminal justice systems in the US and the multi-agency approach in countering terrorism in Kenya.

1.9 Hypotheses

The following hypothesis guided this study.

- i. The adoption of the multi-agency approach in countering transnational wildlife crime in Kenya is well-grounded and justified.
- ii. The diverse multi-agency strategies adopted have enhanced the countering of transnational wildlife crime in Kenya.
- iii. The countering of transnational wildlife crime in Kenya is negatively affected by the challenges facing the multi-agency approach.

1.10 Research Methodology

This section enumerates the research methodology utilized to undertake the study. The subsections include research design, data collection method, description of study location,

sampling technique, measures on validity and reliability used in the study and ethical considerations.

1.10.1 Research Design

This research utilized a case study method which is popular for studying innovation in criminal management, with its strength being the ability to capture the complexity and fluidity of law enforcement partnerships.⁷¹ Since it sought to provide answers to the questions on the current status of the multi-agency approach, the study used descriptive research design. This was informed by its various advantages in social sciences. The application of descriptive research design to determine and report things as they are placed it in a better position to be used to examine the multi-agency approach in countering transnational wildlife crime. It therefore enables the researcher to describe social phenomenon as they happen. This aspect enabled the researcher to explain the rationale, justification, adoption, implementation and challenges inherent in the adoption of the multi-agency approach in countering transnational wildlife crime in Kenya.

Descriptive research design also granted the researcher a chance to examine the effectiveness of the multi-agency model. This is because descriptive research design enables researchers to assess the interlinkage between variables in a social phenomenon. In this case the occurrences of transnational wildlife crimes were examined against the adoption of the multi-agency approach. This attribute is important to the study since it allowed the researcher to understand the operating environment (individual, organizational and social factors) that influenced the performance of the model. Time and budget

⁷¹ Rosenbaum Dennis P. Evaluating Multi-agency Anticrime Partnerships: Theory Design and Measurement Issues. *Crime Prevention Studies*, (2002) volume 14, p-25

limitations render themselves to descriptive research design. It permitted the collection and use of qualitative data which was less time-consuming. Time and budget were critical considerations by the researcher who was expected to collect non-numeric data within a constrained time and budget to conclude the research study. Flexibility of descriptive research design is another advantage which allowed the research to be guided by the revelations of the study.

1.10.2 Location of the Study

This study was conducted within Nairobi City, Mombasa City and six selected border posts. The selected study locations are key areas affected by transnational wildlife crime and have multi-agency teams in place. Nairobi City is the headquarters of most of the national, regional and international agencies and organisations involved in countering wildlife crime. It also has the Jomo Kenyatta International Airport (JKIA) and the Internal Container Depot which are key locations for transnational wildlife crimes. Mombasa is a regional transport hub with the Kilindini Port serving regional land locked countries. It is on record for having been a key transit route for illegal wildlife trafficking.⁷² It is also the headquarters for some agencies involved in countering transnational wildlife crimes. Some of these agencies include; Kenya Ports Authority (KPA), Kenya Maritime Authority (KMA) and Kenya Coast Guard Service (KCGS). Border posts are also major entry and points used by transnational wildlife criminals. The choice of the three study points was

⁷² TRAFFIC. 2020. *Countering Wildlife Trafficking in Kenya's seaports*. Workshop proceedings, Cambridge, United Kingdom: TRAFFIC International. P-8

representative of the players and locations involved in countering transnational wildlife crimes.

1.10.3 Study Population

This study targeted various agencies in Kenya that have a mandate on countering transnational wildlife crime. Accordingly the study focused on government ministries, departments and agencies, intergovernmental and non-governmental organizations. These include the KWS, National Intelligence Service (NIS), National Police Service (NPS), Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), Kenya Ports Authority (KPA), Kenya Airports Authority (KAA), KCGS, KMA, National Museums of Kenya (NMK), Ethics and Anti-Corruption Commission (EACC) and Kenya Forest Service (KFS) which are part the multi-agency frameworks with mandate on wildlife crimes. The researcher also included the Office of the Director of Public Prosecutions (ODPP), the Judiciary, MoTW and the Ministry of Interior and Coordination of National Government which are also involved in combating wildlife crimes. The Lusaka Agreement Task Force, Interpol Regional and National Bureaus and the UNODC Regional Offices which spearhead regional initiatives on law enforcement were also targeted by the researcher. The Joint Counter Terrorism Analysis Center (JCTAC) and the National Counter Terrorism Center (NCTC) were explored because of the inclusion of wildlife officers in their teams and the suspected links between wildlife crimes and terrorism. The study also included civil society and NGO's such as International Fund for Animal Welfare (IFAW) and the Africa Wildlife Foundation (AWF). From these groups, 230 respondents were targeted.

1.10.4 Sampling Technique and Sample Size

This study employed non-probability sampling techniques because it sought information from respondents believed to be in possession of the information sought. Non-probability sampling is appropriate for qualitative studies because of focusing on in-depth information and not making inferences and generalizations.⁷³ Due to the sensitivity of the subject (law enforcement through multi-agency), respondents were handpicked based on the information they were likely to possess regarding the multi-agency approach in countering transnational wildlife crime. Key informants deemed to be knowledgeable on the subject of study were selected using purposive sampling. Then snow-ball sampling was adopted on the initial respondents to get subsequent respondents. This sampling technique was useful to the researcher since the appropriate respondents were not known at the onset. It was useful since it was very difficult to have prior knowledge of the respondents from some quotas such as the investigation and intelligence units.

The number of respondents from the various locations and agencies were determined using quota sampling. Convenient sampling was used where respondents withdrew from the study or were unable to continue with the interview for various reasons. The researcher looked for those informants with similar knowledge to replace the aforementioned respondents. Based on these approaches, the study sampled all the 230 respondents targeted by the study.

⁷³Mugenda Olive M. and Mugenda Abel G. Research Methods: Quantitative and Qualitative Approaches. Acts Press, Nairobi, 2003. p 50

1.10.5 Data Collection Instruments

The study employed various methods to collect both primary and secondary data. To collect primary data, the study used in-depth personal interviews, structured questionnaires and focused group discussions. In-depth personal interviews were undertaken on identified key informants for the study. Key informants were drawn from academia, government institutions, inter-governmental and non-governmental organizations. Semi-structured interviews were adopted in order to keep the respondents focused on the subject matter as the researcher gained in-depth information. Interview schedules were prepared and reviewed in advance with the key informants to guarantee the appointment and subject matter of study.

Structured questionnaires were utilized to collect data from frontline and operational staff in the agencies, organizations and units participating in multi-agency initiatives to counter transnational wildlife crime. This tool had the advantage of economy on time and funds which were constraints to this study. Focused group discussions were used in the study where small heterogeneous units of approximately six members existed. These included border security management committees at the borders posts, airport and sea ports.

Secondary data was obtained from official periodic reports of security agencies, government ministries and departments, NGOs and IGOs. Academic journals, thesis, dissertations, monographs, online reports, government website postings, global wildlife crime reports and statistics were also used in the study to fill the gaps and enrich the primary data collected. Appropriate official data held by institutions or organizations was

also sought and used in analysis. Secondary data was used to complement, corroborate and probe primary data and responses.

A pilot study was carried out to pre-test the research instruments using the NDC Course 24-2021/2022 participants. The pilot study assisted the researcher to identify confusing, unclear or ambiguous questions in the research instruments. Additionally the researcher used triangulation to ensure the validity of the research findings. Adoption of appropriate scientific procedures enhanced objectivity and reduced bias in the study.

1.10.6 Data Collection Procedures

The researcher complied with rules and regulations governing research at the University of Nairobi, National Defense College (NDC) and Kenya. Accordingly permissions were sought from the supervisor at NDC followed by application of National Commission for Science, Technology and Innovation (NACOSTI) research permit. This was followed by the designing, validating and reviewing of research instruments. A list of contact persons was also prepared and used to secure appointments ahead of the interviews and discussions. Appointments for interviews and group discussions were secured and conducted as per the appointments. Eight research assistants were trained to assist in the study. Questionnaires were administered and collected.

1.10.7 Data Analysis

Qualitative analysis was utilized to analyze the qualitative data that was collected. This therefore required the researcher to employ thematic analysis to organize the data into various categories to facilitate deeper analysis of the various thematic issues in the study. Further, the questionnaires were examined to ascertain completeness and consistence.

Coding of questionnaire responses was done and stored in appropriate computer spreadsheet. Descriptive statistics namely frequency, means and percentages were used to describe the responses. Statistical analysis software namely Statistical Package for Social Sciences (SPSS) and Stata were used to analyze the coded data.

1.10.8 Ethical Considerations

Compliance to ethical requirements is a critical factor in undertaking research. Research ethics are meant to protect both the researcher and the respondents when dealing with sensitive subjects and their acceptance to participate in research respectively. The rationale for ethical considerations in research is the quest to ensure that research is undertaken in a process that guarantees safety and protection of research respondents, research process and the research itself. The consent of respondents was sought and adhered to during the research to comply with the doctrine of informed consent. There was full disclosure of information on the nature and purpose of the research to allow respondents to make informed choice of participating or declining at any stage of the research.

Since the study touches on sensitive security set up, clarity on the use of the responses for academic purposes only was emphasized both in writing and verbally. The data and information obtained was confidential and was not shared with any individual or entity. Names of respondents were not displayed and were instead replaced by codes. Coercion, manipulation or incentives were not used at all. The researcher carried the NACOSTI research permit and other identification documents to support the legality and authenticity of the research undertaking. Acknowledging sources of information and subjecting the study findings to plagiarism as required by NDC and UoN was upheld.

1.10.9 Scope and Limitation of the Study

The study was undertaken in Nairobi City County, Mombasa and six border posts in the Republic of Kenya. The study was confined to government institutions, NGO's and intergovernmental organizations in Kenya who are part of the multi-agency initiative to counter transnational wildlife crime. In order to differentiate transnational wildlife crime from the domestic ones the study focused on wildlife crimes that affected wildlife species threatened by illegal transnational trade and those that took place at or detected at the entry and exit points in Kenya. These are airports, seaports and border crossings. The transnational wildlife crimes studied were both organized and non-organized since the focus is their transnational and not organizational nature.

The study encountered inadequate literature on prior research studies on multi-agency approach in countering wildlife crime in Africa. Reviewed literature pointed to less research on the use of multi-agency approach in countering transnational wildlife crime in Africa due to overemphasis on traditional crimes such as trafficking of persons and drugs. This forced the researcher to rely on studies undertaken on other transnational crimes and replicate them on the transnational wildlife crime. This presented two limitations. First, there was a challenge of availability of reliable data and secondly the primary data may not have been forthcoming or accurate. The multi-agency approach in countering crimes is often regarded as a sensitive security matter.

The researcher did not come from the national security organs and may have therefore been viewed with suspicion. This may have made some respondents to be suspicious of the study and thereby reserve or skew their responses especially those touching on the successfulness

of the multi-agency approach. This may have been the case for government officers who may have held the view that the approach is not effective but viewed their responses as being critical of government initiatives. On the other hand some respondents may have provided biased responses in attempts to project their work as a successful one. Further, access to key respondents was not guaranteed due their schedules and reluctance to participate in a study. The researcher therefore endeavored to re-assure the respondents on the use of the responses and the upholding of confidentiality. The researcher also used unclassified information purely for academic purposes. The researcher carried all the necessary documents to confirm his status as an authorized student-researcher.

1.11 Chapter Outline

The study is structured into the following chapters.

- i) Chapter one which is an introductory chapter provides an introduction on the topic to be researched. Subsections include; “statement of the problem, research questions, research objectives, literature review, justification of the study, theoretical framework, hypothesis and the methodology that guided the study.”
- ii) Chapter two seeks to examine the type of multi-agency approach for countering transnational wildlife crime in Kenya.
- iii) Chapter three seeks to establish the diverse multi-agency strategies used in countering transnational wildlife crime in Kenya.
- iv) Chapter four endeavors to analyze the challenges facing the multi-agency collaboration in countering transnational wildlife crime in Kenya.
- v) Chapter five presents summary of findings, conclusions and recommendations.

CHAPTER TWO: MULTI-AGENCY MODELS AND APPROACHES FOR COUNTERING TRANSNATIONAL WILDLIFE CRIME IN KENYA

2.1 Introduction

This chapter examines the type of multi-agency approach adopted in countering transnational wildlife crime in Kenya. It details the origin and history of multi-agency approach, the nature and magnitude of transnational wildlife crime in Kenya, the institutional framework for multi-agency approach and models of multi-agency approach adopted in countering transnational wildlife crime in Kenya. Both primary and secondary sources of data were targeted for data collection.

2.2 Response Rate

The study sampled 230 persons. Out of these, 197 (85.7 %) responded to the study. This was deemed sufficient for analysis.

Table 2.1 Response Rate

Targeted	Responded	Response Rate
230	197	85.7%

Source: Field Research (2022)

2.3 Gender of Respondents

Most of the respondents (79.2%) were males while 20.8% were female. These findings show that although males were the majority, both genders were represented in the study.

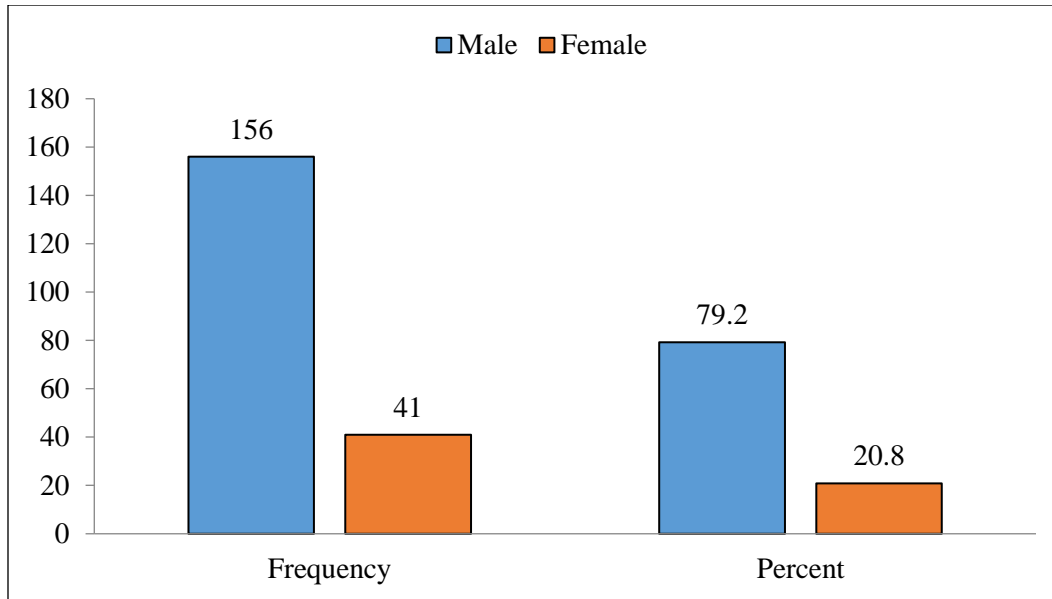


Figure 2.1 Gender of respondents

Source: Field Research (2022)

2.4 Years of Work Experience of Respondents

The study sought to investigate the years of experience of the study respondents. The findings show that the respondents had worked for periods ranging between 1 year and 37 years with the average work period being 16.5 years. The findings are indicative of the fact that the respondents worked for long periods of time which predisposed them to provide informed responses on the subject under investigation. The findings are presented in Table 2.2.

Table 2.2 Years of Work Experience of Respondents

Descriptive Statistics				
N = 197	Min	Max	Mean	Std. Dev.
Years of Work Experience	1	37	16.5	9.44

Source: Field Research (2022)

2.5 Work Stations of Respondents

The study sought to find out the work stations of the respondents. In response, most of them (37.6%) pointed out that they were stationed in Nairobi. These were followed by 16.8% who worked in Tsavo, 9.6% who worked in Lungalunga, 6.6% who worked in Mombasa, 6.1% in Taveta and Makindu respectively, 4.1% in Isebania and Namanga respectively, 3.6% in Voi, 2.5% in Malaba and 0.5% from Narok, Meru, Busia, Lwakhakha, Kajiado and Mtito Andei respectively. These findings show that the respondents came from different towns and could adequately depict the situation.

Table 2.3 Work Stations of Respondents

Work station	Frequency	Percent
Nairobi	74	37.6
Tsavo	33	16.8
Lungalunga	19	9.6
Mombasa	13	6.6
Taveta	12	6.1
Makindu	12	6.1
Isebania	8	4.1
Namanga	8	4.1
Voi	7	3.6
Malaba	5	2.5
Narok	1	0.5
Meru	1	0.5
Busia	1	0.5
Lwakhakha	1	0.5
Kajiado	1	0.5
Mtito Andei	1	0.5
Total	197	100

Source: Field Research (2022)

2.6 Ministries/Departments/Organizations of Respondents

Most of the respondents (24.9%) came from Kenya Wildlife Service (KWS). These were followed by those who came from the Ministry of Interior & Coordination of National Government and the National Intelligence Service (NIS) at 7.6% respectively, 7.1% from the National Police Service (NPS) and Ministry of Finance and the National Treasury respectively, 6.6% from Kenya Revenue Authority (KRA), 6.1% from Ethics and Anti-Corruption Commission (EACC), 5.1% from the Ministry of Wildlife and Tourism (MoTW), 4.6% from African Wildlife Foundation (an NGO), 3.6% from other NGOs and 3% from Department of Immigration Services (DIS). There were also others from other agencies and organizations such as Kenya Forest Service (KFS), Kenya Fisheries Department and Directorate of Criminal Investigations (DCI) each constituting 2.5% of the respondents. Those from the Office of the Director of Public Prosecutions (ODPP) were 2%. The next important departments and organizations represented were from the Judiciary at 1.5% while those from Kenya Ports Authority (KPA) and Interpol each at 1%. The rest, at 0.5% each, were drawn from Kenya Airports Authority (KAA), Kenya Coast Guard Service (KCGS), Kenya Plant Health Inspectorate Service (KEPHIS), State Department of Correctional Services, National Counter Terrorism Center (NCTC), Ministry of Transport and, Ministry of Defence.

Table 2.4 Ministries/Departments/Organizations of Respondents

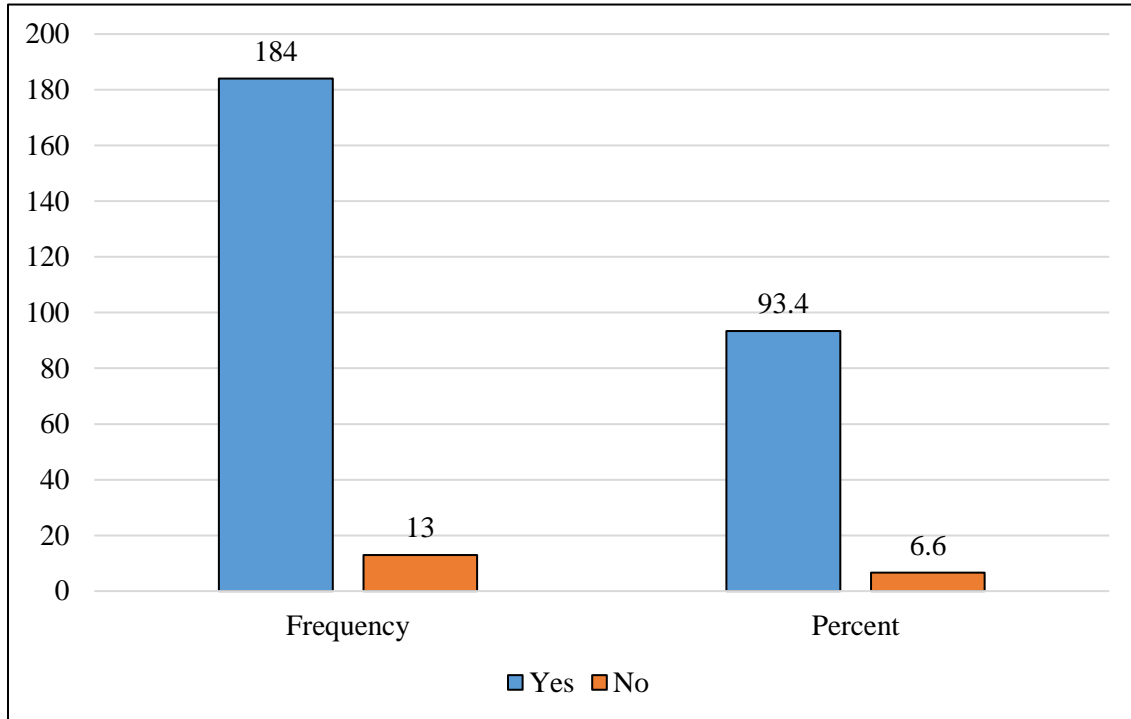
Ministry/Department/Organizations	Frequency	Percent
Kenya Wildlife Service	49	24.9
Min of Interior & Coordination of National Govt	15	7.6
National Intelligence Service	15	7.6
National Police Service	14	7.1
Ministry of Finance /National Treasury	14	7.1
Kenya Revenue Authority	13	6.6
Ethics and Anti-Corruption Commission	12	6.1
Ministry of Tourism and Wildlife	10	5.1
African Wildlife Foundation	9	4.6
NGOs	7	3.6
Directorate of Immigration Services	6	3.0
Kenya Forest Service	5	2.5
Kenya Fisheries Department	5	2.5
Directorate of Criminal Investigation	5	2.5
Office of the Director of Public Prosecutions	4	2.0
Judiciary	3	1.5
Kenya Ports Authority	2	1.0
Interpol	2	1.0
Kenya Airports Authority	1	0.5
Kenya Coast Guard Service	1	0.5
Kenya Plant Health Inspectorate Service	1	0.5
State Department of Correctional Services	1	0.5
National Counter Terrorism Center	1	0.5
Ministry of Transport	1	0.5
Ministry of Defence	1	0.5
Total	197	100

Source: Field Research (2022)

2.7 Awareness of Multi-Agency Efforts

The study sought to establish respondents' awareness of multi-agency efforts for countering transnational wildlife crime in Kenya. The responses show that most of the respondents (93.4%) were aware of such efforts. This is a pointer to high levels of

awareness of Multi-agency efforts employed within the process of countering transnational wildlife crime.



Source: Field Research (2022)

Figure 2.2 Awareness of multi-agency efforts countering transnational wildlife crime

2.8 Agencies Involved in Multi-Agency Efforts

The respondents were asked to indicate other agencies that are part of multi-agency initiatives directed at countering transnational wildlife crime in Kenya. The level of agreement with the involvement of each agency/organization out of 197 (100%) was assessed. The findings show that the most important agencies/organizations in countering transnational wildlife crime in Kenya are government institutions, communities and intergovernmental and non-governmental organisations. These include KWS (86%), NPS (76%), ODPP (60.3%), KRA, DIS and KMA each at 58.7%, communities at 54.7% and

Interpol at 54.2%. Others included judiciary (52%), KFS (46.4%), KPA (45.3%), KAA (44.1%), NGOs (41.3%), EACC (40.2%), NIS (38%), UNODC (33%), Lusaka Agreement Task Force (26.3%), NMK (22.9%) and others (21.3%).

Table 2.5 Agencies Involved in Multi-Agency Efforts

Participating Agencies/Organizations	Frequency	Percent
Kenya Wildlife Service (KWS)	154	86
National Police Service (NPS)	136	76
Office of the Director of Public Prosecutions (ODPP)	108	60.3
Kenya Revenue Authority (KRA)	105	58.7
Department of Immigration Services (DIS)	105	58.7
Kenya Maritime Authority (KMA)	105	58.7
Communities	98	54.7
Interpol	97	54.2
Judiciary	93	52
Kenya Forest Service (KFS)	83	46.4
Kenya Ports Authority (KPA)	81	45.3
Kenya Airports Authority (KAA)	79	44.1
Non-Governmental Organizations (NGOs)	74	41.3
Ethics and Corruption Commission (EACC)	72	40.2
National Intelligence Service (NIS)	68	38
United Nations Office on Drugs & Crime (UNODC)	59	33
Lusaka Agreement Task Force (LATF)	47	26.3
National Museums of Kenya (NMK)	41	22.9
Others	39	21.8

Source: Field Research (2022)

The foregoing findings can be buttressed by extant literature which underlines the importance of these aforementioned agencies in countering transnational wildlife crime in Kenya. This is as shown in the following discourse.

2.8.1 Kenya Wildlife Service (KWS)

The KWS is mandated with managing and protecting wildlife in Kenya. It is mandated by the Wildlife Conservation and Management Act, 2013 to safeguard the wildlife and

undertake law enforcement activities. Section (7) (k) of the Act specifically stipulates one of the functions of the Service as being to “undertake and conduct enforcement activities such as anti- poaching operations, wildlife protection, intelligence gathering, investigations and other enforcement activities.”⁷⁴ Inter-agency collaboration is provided for in Section 112 (2) of the Act which states that “KWS will collaborate with other law enforcement agencies, counties and communities in coordinating and controlling wildlife security issues.”⁷⁵

The importance of collaboration and coordination in securing wildlife resources in Kenya is further re-emphasized in the national wildlife policy document, Sessional Paper number 01 of 2020. In addition to hinging the success of wildlife security on collaboration with communities, Kenya’s wildlife policy specifically singles out the transnational and lucrative nature of wildlife crime as a wildlife security threat that will be addressed through enhanced inter-agency collaboration and coordination. Specifically, Kenya’s government seeks to enhance inter-agency collaboration in combating wildlife crime and strengthen coordination with relevant agencies to combat transnational wildlife crime. The policy states that wildlife crimes will also be mainstreamed into the national security system.⁷⁶

2.8.2 Office of the Director of Public Prosecutions (ODPP)

The ODPP is mandated by Article 157 of the Constitution of Kenya “to institute and undertake prosecution of criminal matters and all other related incidences.”⁷⁷ This therefore

⁷⁴Republic of Kenya. 2013. *The Wildlife Conservation and Management Act, 2013*. Nairobi: Government Printer.

⁷⁵ Ibid

⁷⁶Ministry of Tourism and Wildlife. 2020. *Sessional Paper No. 10 of 2020 on Wildlife Policy*. Policy, Nairobi: Ministry of Tourism and Wildlife. p17-18

⁷⁷ The National Council for Law Reporting. *Constitution of Kenya, 2010*.

automatically places all matters on prosecution of wildlife crimes in Kenya under the jurisdiction of ODPP. There exists a wildlife crimes unit at the ODPP charged with prosecution of wildlife crime cases. Prosecutors deployed to the wildlife crimes unit have undergone specialized training on wildlife crime issues. They also participate in multi-agency forums dealing with prosecution of wildlife crimes. In the ODPP structure, transnational wildlife crime falls under the Department of Economic, Organized and International Crimes and the unit of International, Transnational and Organized Crimes. The ODPP also deals with matters of mutual legal assistance and extraditions through the Department of Corporate Services. Kenya has bilateral agreements with a number of countries and individuals wanted for prosecutions have been extradited into and out of the country. The ODPP has previously facilitated extradition of wildlife crime suspects from Tanzania to Kenya and from Kenya to the US.⁷⁸

2.8.3 National Police Service (NPS) and Directorate of Criminal Investigations (DCI)

The NPS is a national security organ established by the Constitution of Kenya and has an overall mandate on maintenance of law and order, investigation of crimes, prevention and detection of crimes and apprehension of offenders among other functions. All suspects arrested for wildlife crimes are booked in Police Stations before being charged in court. The NPS through the DCI provides investigative and forensic services to assist in the prosecution of wildlife crime suspects. Ballistics, document examination, cybercrime,

⁷⁸ The East African. "Kenyan poacher extradited to US pleads guilty in New York court. <https://www.theeastafrican.co.ke/tea/news/east-africa/kenyan-us-pleads-guilty-to-poaching-in-new-york-court-3835906>" Accessed on 02/06/2022

mobile phone forensics and financial investigations are facilitated by the DCI. The DCI maintains criminal records database which are used to review any previous criminal history of a suspect. Additionally the DCI is mandated by section 35 of the National Police Service Act to undertake investigations on serious crimes that include organized and economic crimes among others. Transnational wildlife crime can be both organized and economic crimes and therefore subject to DCI investigations. The DCI hosts the Interpol's National Bureau which serves to link Kenya's law enforcement agencies to the Interpol. KWS collaborates with the DCI in the training of KWS investigation officers. The DCI and GSU have each seconded an officer to KWS to assist in investigation and coordination of operations respectively.

2.8.4 Kenya Revenue Authority (KRA)

The KRA is established under the KRA Act, 1995. It administers and enforces legislation which is important to countering transnational wildlife crime because of its jurisdiction over points of entry and exit which are classified as custom areas. The laws administered by KRA include; “the Customs and Excise Act (Cap 472) and the East African Community Customs Management Act (2004).”⁷⁹ These laws affect cross border trade which has a direct link to the illegal wildlife trade. All illegally acquired wildlife and wildlife parts are mostly shipped through airports, seaports and border crossings.

⁷⁹National Council for Law Reporting. 2012. *Kenya Revenue Authority Act: Chapter 469*. Laws of Kenya, Nairobi: National Council for Law Reporting.

KRA and many customs organizations across the world implement the CITES of fauna and flora regulations.⁸⁰ This therefore gives KRA officers jurisdiction to seize any CITES listed products being exported or imported without authority. KRA is also a member of the World Customs Organization (WCO) which offers a good platform for multi-agency collaboration and linkages. KRA has facilities, infrastructure and systems at the entry and exit points which assist in detection and prevention of transnational wildlife crime. These include scanners, cargo clearance system and intelligence network which is critical in countering transnational wildlife crime.

2.8.5 Directorate of Immigration Services (DIS)

The Directorate of Immigration Service is important in multi-agency efforts to counter transnational wildlife crime because transnational criminal activities are normally linked to foreign nationals who illegally enter and exit the country. The Directorate of Immigration Services, which is the body responsible for entry and exit of all persons, has the responsibility to ensure that the persons entering and leaving Kenya have legitimate reasons. Where these individuals have illegitimate reasons, they may be arrested and prosecuted. Criminals and fugitives wanted by other jurisdictions such as Interpol can be detected using the Immigration systems and databases at the entry and exit points. The Directorate of Immigration Services' records can also be analyzed to reveal the travel history of individuals and the records can aid investigations and prosecutions.

⁸⁰ World Customs Organization. <https://www.wildlifeday.org/content/world-customs-organization-wco>
Accessed on 02/06/2022

2.8.6 Kenya Airport Authority (KAA) and Kenya Ports Authority (KPA)

These government institutions are in charge of the management of airport and seaports respectively. They have systems, equipment and procedures for storing, processing and clearing cargo, aircraft and ships. They therefore control movements into and out of the ports. They have security systems which monitor activities at the ports. They also have units that maintain security. They host other units operating at the ports. This includes the hosting of units countering transnational wildlife crime. They have a mandate to ensure that wildlife is not trafficked through their jurisdictions.

2.9 Origin of Multi-Agency Approach

Multi-agency approach, often termed as ‘whole-of-government approach’ has been traced to 2000s when it was widely adopted by government actors to meet interlinked, security, political, development, military and social objectives. This was the period when the developing countries were being urged by the North to adopt integrated approaches in implementing the Millennium Development Goals (MDGs) which were later transformed into the Sustainable Development Goals (SDGs). Consequently the model gained popularity in developing countries to become Africa’s central approach in service delivery in many sectors that include health, crime prevention and customs services.⁸¹

Prior to the adoption of the multi-agency approach, governments in Western Europe, North America and Australia had successfully adopted partnerships and coalitions in crime prevention. This led to increased interest in partnerships worldwide due to increased

⁸¹Onyango, Gedion. 2020. "Inter-Institutional and Multi-Agency Networks in Anti-Corruption Efforts in Public Administration in Kenya." *African Studies Quarterly* Volume 19, Issue 2 17-36. p-18

importance of community involvement in local public processes and frustrations resulting from ineffective traditional public service bureaucracy.⁸² The desire for change in the law enforcement sector was driven by the challenges arising from inequalities in the police services, ineffective reactive nature of law enforcement methods and absence of coordination. As a result citizens in the Western nations became more attentive to prevention, community and problem solving as the defining features of effective and efficient government services. The multiple and complex causes of crime required a new approach to address crime from multiple angles using multifaceted strategies thus the creation of partnerships and coalitions.

Globalization and advances in technology led to increase in number and intensity of transnational crimes due to easy of movement of people, goods and services. Transnational wildlife criminal syndicates have previously capitalized on law enforcement weakness and regulatory loopholes.⁸³ Moreover, the September 11, 2001 terrorist attack in the USA exposed the consequences of ineffective inter-agency collaboration and consequently heightened the need for multi-agency approach in combating crime. Then lessons and experiences from countering other organized crimes have rendered further justifications for widespread application of the multi-agency approach in transnational crimes including wildlife crimes.

The adoption of the multi-agency approach in countering transnational wildlife crime in Kenya was informed by both the internal and external factors. Internally wildlife crimes

⁸² Rosenbaum Dennis P. Op Cit

⁸³Karanja David Wang'ombe. Op Cit

particularly elephant and rhino poaching were on an increase since 2008. This forced the Ministry of Environment and Natural Resources (MoNRE) to appoint a Task Force to assess security threats to Kenya's wildlife and devise recommendations of addressing them. Inter-agency collaboration and the need to secure the country's airports, seaports and borders was one of the recommendations made to deal with poaching and the trafficking of wildlife trophies out of the country.⁸⁴ The Task Force recommended for the appointment of a small team by the Cabinet Secretary, MoNRE to work on the modalities of inter-agency collaborations. Study findings recommended inter-agency collaboration as one of the strategies for countering the menace.⁸⁵

The crosscutting jurisdictions of the various agencies in combating transnational wildlife crime, their uniqueness and specialized nature also increased the need for synergism among the agencies. At the international level the multi-agency approach was in response to pressure by the international community on Kenya to address rhino and elephant poaching and associated illegal trafficking of rhino horns and elephant ivory. In 2013 the CITES castigated eight countries (including Kenya) that bore the highest responsibility for the increase in elephant poaching and the booming illegal ivory trade. The eight, publicly vilified as the "gang of eight" were categorized as source, transit and destination countries for illegally acquired ivory and were tasked to take immediate remedial actions lest they faced trade sanctions. Additionally, wildlife crime which was once considered a victimless crime was categorized as a serious international organized crime by through a resolution

⁸⁴Task Force on Wildlife Security. 2014. *Lifting the Siege: Securing Kenya's Wildlife*. Task Force Report, Nairobi: Unpublished. P-86

⁸⁵Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya*. TRAFFIC, Cambridge.

by the UN Commission of Crime Prevention and Criminal Justice (UNCCPCJ) in April 2013. Further the UNGA through Resolution 69/314 of 30th July 2015 urged member states

“...to take decisive steps at the national level to prevent, combat and eradicate the illegal trade-in wildlife, on both the supply and demand sides, including by strengthening the legislation necessary for the prevention, investigation and prosecution of such illegal trade as well as strengthening enforcement and criminal justice responses, in accordance with national legislation and international law.”⁸⁶

In 2015 a multi-agency team was born in Kenya out of a presidential directive after it had been noted that lack of synergy and inter-agency cooperation among law enforcement agencies was compromising fight against corruption, economic and other crimes.⁸⁷ Wildlife crime is among the crimes falling under the ‘other crimes’. Inter-agency collaboration is listed as one of the strategies adopted by many UN member countries as subsequent steps taken to implement resolution 69/314 on tackling illegal wildlife trade. The 2016 UN Secretary General’s report on the status of implementation lists Kenya as one of the countries that had an action plan that transcended 6 thematic areas and 29 concrete actions.⁸⁸

2.10 Institutional Framework for Multi-Agency Approach in Countering Transnational Wildlife Crime in Kenya

The study sought to examine the Multi-agency framework for countering transnational wildlife crime in Kenya. To this end, the respondents were presented with the questions,

⁸⁶ United Nations. “Resolution adopted by the General Assembly on 30 July 2015. 69/314 Tackling Illicit Trafficking in Wildlife.”

⁸⁷ Nyaga Caroline. 2017. 20th UNAFEI UNCAC Training Programme. Participants’ Papers. Resource Material Series No. 104 p-112.

⁸⁸United Nations. 2016. “*Tackling Illicit Trafficking in Wildlife.*” Secretary General’s Report, New York: United Nations. P-8

“Which of the following statements describe the Multi-agency framework for countering transnational wildlife crime in Kenya?” The responses are tabulated in table 2.6.

Table 2.6 Institutional Framework for Multi-Agency Approach in Countering

Wildlife Crime

Statement	Frequency	Percent
It is guided by an MoU or agreement	83	46.4
It is a government directive to adopt multi-agency collaboration	77	43
It is undertaken due to common objective of law enforcement and conservation	76	42.5
It is undertaken based on informal arrangements	70	39.1
The Multi-agency initiative is provided for in legislation	51	28.5
It is guided by standard operating procedures of my organizations	44	24.6
There is a management/ supervisory committee/ forum which monitors performance	43	24
Others	24	13.4

Source: Field Research (2022)

As illustrated in Table 2.6, most of the participants who gave their views on the question of the Multi-agency framework for countering transnational wildlife crime in Kenya considered that Multi-agency framework is guided by an MoU or agreement (46.4%); forty three (43%) viewed as a government directive to adopt Multi-agency collaboration; about 42.5% noted that the multi-agency effort is undertaken due to common objective of law enforcement and conservation; and 39.1% thought that it is undertaken based on informal arrangements. Slightly, above a quarter (28.5%) of the respondents note that the Multi-agency initiative is provided for in legislation; about a quarter (24.6%) considers that it is guided by standard operating procedures of participating organizations while 24%

thought that there is a management or a supervisory committee or forum which monitors performance of the multi-agency initiative.

Countering wildlife crime in Kenya transcends many laws and institutions. This is based on the fact that wildlife crimes are also spread over space and time. The KWS which is the government agency mandated to protect and manage wildlife resources in Kenya does not have powers and jurisdiction over other crimes such as financial investigations which go alongside the investigation of transnational crimes. Matters of wildlife security are anchored within the national security systems. At the national level KWS is not a member of the highest national security organ, the National Security Council but can be co-opted when necessary. KWS is a coopted member of the County and Sub-County Security and Intelligence Committees.

Transnational wildlife crimes are more pronounced at the entry and exit points. In this regard Kenya's entry and exit points have been used to smuggle wildlife and wildlife products through and out of the country. The Kenya Wildlife Service has deployed officers to major airports, seaports and border posts to enhance the countering of transnational wildlife trafficking. These officers work as part of the multi-agency teams located at the entry and exit points. The Security Laws (Amendment) Act of 2014 established Border Control and Operations Coordination Committee (BCOCC) to promote inter-agency and cross border cooperation.⁸⁹ Subsequently the following organs and subcommittees were established to streamline border security governance. Border Management Secretariat

⁸⁹ Republic of Kenya. 2014. Security Laws (Amendment) Act, 2014. Government Printer, Nairobi. P-352-353

(BMS), Border Management Committees (BMC) and Joint Operation Centers (JOC) which are mandated with coordinating security and service delivery matters within the border stations. A whole of government approach is adopted at the border posts. The Kenya School of Government (KSG) has developed a curriculum for training of government officers stationed at the exit and entry points in Kenya.⁹⁰ The aim is to enhance whole of government approach adopted by government agencies working at the country's entry and exit points. Transnational wildlife trafficking is one of the threats being addressed by the border committees.

2.11 Bilateral and Multilateral Mechanisms for Countering Transnational Wildlife Crime

The transnational nature of wildlife crimes requires international mechanisms for addressing the vice outside the jurisdictions of sovereign states. Therefore treaties, conventions and international governmental and non-governmental organizations play a critical role in countering wildlife crimes globally. The CITES convention subjects international trade of listed species to specific controls.⁹¹ A permitting system is used to authorize international trade of species covered by the convention. A specimen of a species listed under CITES can only be imported, exported or re-exported only if the required documentation has been acquired and tabled at a port of entry or exit for clearance. There

⁹⁰Capital FM. 2021. *Capital FM*. 06 30. Accessed 10 16, 2021. <https://www.capitalfm.co.ke/news/2021/06/kenya-coordinated-border-management-programme-launched-at-school-of-government/>.

⁹¹ Nurse, Angus. 2015. *Policing Wildlife*. Springer Science and Business Media LLC.

are three appendices in which species whose international trade is regulated by CITES are listed.

Species listed in Appendix I are threatened with extinction thus restricting their trade to be permitted under exceptional circumstances only. Those listed in Appendix II are subjected to controlled trade in order to ensure compatible utilization. Appendix III lists species which have been protected by at least one CITES member country which has requested other CITES parties to assist in controlling international trade of the listed species.⁹² Articles II and VII of the Convention obligate “states that are party to the Convention to only trade in the listed species in accordance with the Convention, and to enforce the Convention including measures to penalize illegal wildlife trade.”⁹³ The Convention is regarded as one of the most powerful tools the world uses to conserve biodiversity through a mechanism whose goal is sustainability, traceability and legality of trade in endangered species. There were 178 states which were party to the Convention in October 2021. Kenya is one of the parties to the Convention.

The INTERPOL which is the International Criminal Police Organisation (ICPO) is an IGO with a membership of 194 member countries by October 2021. It works with police organization of member countries to make the world safer by facilitating the dissemination of information on crimes and criminals as well as providing technical and operational support.⁹⁴ The INTERPOL has connected all member countries to a secure police

⁹² CITES. “How CITES works.” <https://cites.org/eng/disc/how.php> Accessed on 03/06/2022

⁹³ CITES. 2021. *CITES Implementation - Enforcement*. Accessed 10 24, 2021. <https://cites.org/eng/prog/imp/enf/introduction>.

⁹⁴ Interpol. 2021. *What is INTERPOL?* 10 25. Accessed 10 25, 2021. <https://www.interpol.int/en/Who-we-are/What-is-INTERPOL>.

communication system called I 24/7 which enables authorized users in member states to share sensitive and urgent police information as well as accessing the criminal data bases on a real-time basis from both central and remote locations. Transnational wildlife crime fall under the organized and emerging crime program of the Interpol. It has four global enforcement teams under the Environmental Security Unit one of which is the INTERPOL Wildlife Enforcement Team. This team assists in building capacities of member states to implement national and international laws as well as disrupting and dismantling criminal networks engaged in transnational wildlife crime.⁹⁵

INTERPOL works through the National Central Bureaus (NCB) which are Police Units dedicated for the coordination of INTERPOL operations within the member country. It can issue notices to alert other member countries of suspected criminals engaging in wildlife crimes. INTERPOL has also coordinated several wildlife law enforcement operations which have led to successful prosecution of criminals, dismantling of networks and seized tons of illegal wildlife products.⁹⁶ The Interpol Wildlife Crime Working Group (IWCWG) consist of wildlife experts who devise strategies and approaches to fight transnational wildlife at the global level. It achieves this by initiating targeted operations and engaging other key stakeholders and players in the wildlife conservation and law enforcement sectors to maximize the global impact of its initiatives.⁹⁷ In Kenya INTERPOL is located at the DCI Headquarters where the NCB and the Regional Bureau are found.

⁹⁵ Interpol. 2021. *Wildlife crime*. Access at <https://www.interpol.int/en/Crimes/Environmental-crime/Wildlife-crime> on 25/10/2021.

⁹⁶ Ibid

⁹⁷ <https://www.interpol.int>. Accessed on 25/10/2021 at <https://www.interpol.int/en/Crimes/Environmental-crime/Wildlife-crime>

The UNODC has a mandate on transnational wildlife crime. It has been working on tackling wildlife crime in Kenya and across the world.⁹⁸ UNODC works with “legal, judicial and law enforcement agencies of member states to strengthen policy, legislative and regulatory frameworks to combat wildlife crimes.”⁹⁹ It undertakes programs to enhance knowledge and skills of investigators, prosecutors and other staff of relevant government authorities to investigate and prosecute related criminal activities. It also enhances cooperation at all levels in countering wildlife crimes. UNODC works with other UN agencies, other international organizations, NGOs, conservationists and the private sector. In Kenya the UNODC has a regional office at the United Nations Offices in Gigiri, Nairobi. UNODC is currently running a Container Control Program (CCP) at Mombasa. This is a joint initiative between UNODC and the WCO to assist governments to enhance control over sea containers and air cargo transported through ports, airport and border crossings. Transnational wildlife trafficking is among the prohibited activities addressed by the CCP.

Five international organizations teamed up in November 2010 to form the International Consortium on Combating Wildlife Crime (ICCWC) in order to facilitate and offer support to the agencies dealing with wildlife crime.¹⁰⁰ The ICCWC partner agencies are the INTERPOL, CITES Secretariat, the WCO, the UNODC and the WB. The ICCWC has coordinated the production of five documents to assist in countering wildlife crimes. Subsequent to its establishment the ICCWC developed the Wildlife and Forest Crime

⁹⁸ UNODC. 2021. *UNODC - Our Work*. 10 25. Accessed 10 25, 2021. <https://www.unodc.org/unodc/en/wildlife-and-forest-crime/our-work.html>.

⁹⁹ Ibid

¹⁰⁰ CITES. What is ICCWC? https://cites.org/eng/prog/iccwc_new.php Accessed on 13/08/2021

Analytic Toolkit to assist government officials to undertake comprehensive analysis of the preventive, investigative and criminal justice initiatives for countering wildlife crime nationally and internationally.

The global responses to transnational wildlife crime have also been undertaken at regional levels. The LATF is a multilateral cooperation of states within eastern, central and southern Africa to combat wildlife crime. The agreement came into force in December 1995 and has (as at June 2022) been ratified by four states namely: “Republic of Congo, Kenya, Tanzania, Uganda and Zambia.”¹⁰¹ LATF’s main function is to combat wildlife crime among member states through cooperative law enforcement, capacity building and partnerships.¹⁰² LATF offices are located at the KWS Headquarters in Nairobi, Kenya. Similar efforts have been undertaken within the Horn of Africa and Southern Africa Development Community (SADC) where the Horn of Africa Wildlife Enforcement Network¹⁰³ (HAWEN) and the SADC Law Enforcement and Anti-Poaching (LEAP) Strategy are the networks for countering transnational wildlife crime in respective regions.

2.12 Extent of Coordination, Collaboration and Cooperation within the Multi-Agency Framework

The study sought to examine the successfulness of the Multi-agency approach in countering transnational wildlife crime in Kenya. To this end, the respondents were

¹⁰¹ Lusaka Agreement Task Force. Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora. <https://lusakaagreement.org/> Accessed on 04/06/2022

¹⁰² Ibid

¹⁰³ HAWEN. About HAWEN. <https://www.hawen.org/about-us> Accessed on 04/06/2022

presented with Likert scale statements on a scale of 1 to 5 where: “1 is strongly disagree and, 5 is strongly agree.” The findings are presented in Table 2.7 below:

Table 2.7 Successfulness of the Multi-agency Approach in Countering Transnational Wildlife Crime

Descriptive Statistics (1 – 5 are in %)							
Statements	1	2	3	4	5	Mean	Std. Dev.
There has been increased participation of other players such as private sector, NGOs and communities in countering transnational wildlife crime in Kenya	1.1	3.4	19.5	57	19	3.89	0.78
Wildlife trafficking through Kenya’s entry and exit points has reduced	1.1	9.5	17.9	45.8	25.7	3.85	0.95
Poaching of highly trafficked species has reduced	2.8	8.9	15.1	53.1	20.1	3.79	0.96
There is increased understanding of wildlife crime by more officers and stakeholders	0	14	15.1	50.8	20.1	3.77	0.93
There has been increased anti-corruption efforts in countering wildlife crime	0.6	6.7	25.6	52	15.1	3.74	0.81
There has been enhanced investigation and prosecution of wildlife crime cases	2.8	7.8	30.2	41.3	17.9	3.64	0.96
There is improved coordination and collaboration among agencies	2.2	8.9	25.8	49.7	13.4	3.63	0.9
More multi-agency officers have been trained on wildlife crimes	2.2	9.5	34.1	47.5	6.7	3.47	0.84
Guidelines, reference and training materials have been developed through multi-agency approach	41.4	10.6	24	19	5	2.36	1.32

Source: Field Research (2022)

According to Table 2.7 most respondents strongly agreed to the statement: “there has been increased participation of other players such as private sector, NGOs and communities in countering transnational wildlife crime in Kenya” (WM=3.89); “wildlife trafficking through Kenya’s entry and exit points has reduced” (WM=3.85); “poaching of highly trafficked species has reduced” (WM=3.79); “there is increased understanding of wildlife crime by more officers and stakeholders” (WM=3.77); “there has been increased anti-corruption efforts in countering wildlife crime” (WM=3.74); “there has been enhanced investigation and prosecution of wildlife crime cases” (WM=3.69); “there is improved coordination and collaboration among agencies” (WM=3.63); “more multi-agency officers have been trained on wildlife crimes” (WM=3.47); and “guidelines, reference and training materials have been developed through multi-agency approach” (WM=2.36).

Assessment of the successfulness of multi-agency approach in combating transnational crimes can be undertaken using various methods. However, much of the literature (Schneider *et al.*,¹⁰⁴ Liddle & Gelsthorpe¹⁰⁵ and Iheabunike¹⁰⁶) reveal that the effectiveness is largely dependent on the extent of cooperation among the participating agencies. According to Elliott the cooperation should extend to the international level in order to overcome the environmental, economic and criminal challenges presented by transnational wildlife crime.¹⁰⁷ Locally, Muthondeki recommended that improving collaboration among

¹⁰⁴Schneider, Stephen, Margaret Beare, and Jermy Hill. 2000. *Alternative Approaches to Combating Transnational Crime*. Policy Research Initiative, Toronto: Federal Transnational Crime Working Group.

¹⁰⁵Liddle, A. Mark, and Loraine R. Gelsthorpe. 1994. *Crime Prevention and Inter-Agency Co-operation*. Crime Prevention Series: Paper No.53, London: Police Research Group.

¹⁰⁶Iheabunike, A. Godwin. 2019. *Inter-Agency Collaboration and Coordination: The Role of Investigators, Prosecutors and Prisons*. Annual Refresher Course for Magistrates, Abuja: Pension Transnational Arrangement Directorate.

¹⁰⁷Elliott, Lorraine. 2017. "Cooperation on Transnational Environmental Crime: Institutional Complexity Matters." *Review of European Community and International Environmental Law* 26 (2) 107-117. P-107

government agencies and other stakeholders with mandate on controlling organized and transnational crime in Kenya is one of the ways of improving the effectiveness of the multi-agency teams.¹⁰⁸

It is imperative to contextualize collaboration and coordination in the multi-agency approach in crime prevention. According to McDonald and Rosier inter-agency “collaboration is a high intensity relationship between two or more agencies which pursue mutual benefits in working together.”¹⁰⁹ In collaboration, participating agencies enjoy more interdependence but take higher risks and higher level of commitment and contribution to information sharing. It is regarded by the Australian Research Alliance for Children and Youth (ARACY) as being the most intense in that it calls for participants to question their character, behavior, their thinking which is also referred to as cultural change.¹¹⁰ The ARACY provides key characteristics of collaboration between agencies as being

- i) Dense independent characteristics in which participants develop independent connections with multiple partners instead of being confined in silos.
- ii) Frequent communication between agencies as opposed to tacit or structured communication flows that are characteristic of cooperative and coordinated approaches respectively.

¹⁰⁸Muthondeki, David Kaberia. Dealing with Organised and Transnational Crime in Kenya: A multi-Agency Approach. *The International Journal of Humanities & Social Studies*, (2019), 7(10). P-202

¹⁰⁹McDonald, Myfanwy, and Kate Rosier. 2011. *Interagency collaboration: Part A. What is it, what does it look like, when is it needed and what supports it?* Briefing Paper 21, Melbourne: Australian Family Relationships Clearinghouse. P-1

¹¹⁰Australian Research Alliance for Children and Youth. 2009. *What is collaboration*. Accessed 11 10, 2021.

[http://www.aracy.org.au/cmsdocuments/Advancing%20Collaboration%20Practice%20Fact%20Sheet%20one%20\(dated\)%20WEB.PDF](http://www.aracy.org.au/cmsdocuments/Advancing%20Collaboration%20Practice%20Fact%20Sheet%20one%20(dated)%20WEB.PDF).

- iii) Pooled collective resources in order to achieve desired goals.
- iv) Negotiated shared goals resulting from shared vision and collective goals.
- v) Shared power between organizations.

According to McDonald and Rosier, inter-agency collaborative activities could include; “cross-training of staff; Multi-agency working groups; Common financial arrangements such as cost sharing; Sharing administrative data and; Joint case management.”¹¹¹ A leading agency or official in the coordination process possess authority over the whole process which helps the organization to attain certain goals or objectives. Coordination is therefore comprehensive, detailed, substantial and formalized. The significance of coordination in multi-agency crime prevention initiative has been widely recognized and singled out for attention by both practitioners and scholars.¹¹² The range of participating agencies and groups has distinct policies and guidelines which will call for some harmonization. According to Liddle and Gelsthorpe, “coordination is one of the key features that an effective multi-agency structure must provide and its absence can be both wasteful and ineffective.”¹¹³

In chapter two, it was established that the multi-agency approach in combating wildlife crime in Kenya is structured on different models. Therefore the presence or otherwise of collaboration and coordination vary depending on the location or model of the multi-agency team. At the Port of Mombasa for instance there exists the Container Control

¹¹¹McDonald, Myfanwy, and Kate Rosier. 2011. *Interagency collaboration: Part A. What is it, what does it look like, when is it needed and what supports it?* Briefing Paper 21, Melbourne: Australian Family Relationships Clearinghouse. P-4

¹¹²Liddle, A. Mark, and Loraine R. Gelsthorpe. 1994. *Crime Prevention and Inter-Agency Co-operation*. Crime Prevention Series: Paper No.53, London: Police Research Group.

¹¹³ Ibid

Program (CCP) sponsored Joint Port Control Unit (JPCU) which is a product of a memorandum of understanding between the participating agencies and the UNODC. The JPCU fits a formal multi-agency unit by which agencies have pooled their resources to achieve collective goal of curtailing illicit trade through the port. The participating agencies which include KWS, NPS, KPA, KFS and KRA have through a MoU initiated by UNODC agreed to collaborate and target containerized illicit trade. The participating agencies are bounded by the objective of crime prevention which affects their organizational interests.

The CCP exhibit the inter-agency collaboration activities of joint staff training, multi-agency working group, sharing of data and joint case management. The officers deployed to the Joint Port Control Unit undergo joint training sessions within and outside Kenya. They jointly target suspected containers and undertake joint verification exercises. Participants in a workshop on combating wildlife trafficking through Kenya's Seaports reported that the level of cooperation between the PCU's in Kenya and other PCUs in Africa and Asia was good and the information sharing mechanism through Container COMM platform was effective. It was also further reported that cooperation among law enforcement agencies in Kenya targeting illegal wildlife trade and seizures was relatively strong albeit some weaknesses.¹¹⁴ The KRA hosts the JPCU within the Port premises and also avails scanners for screening targeted containers and these denote resource sharing. Additionally KPA offers logistical support to move suspect containers for screening. KWS has a canine unit whose dogs can sniff wildlife products.¹¹⁵

¹¹⁴TRAFFIC. 2020. *Countering Wildlife Trafficking in Kenya's seaports*. Workshop proceedings, Cambridge, United Kingdom: TRAFFIC International. P-8

¹¹⁵ Ibid P-11

The Border Management Committee provides a platform for coordination and information exchange while KRA coordinates the activities and operation of the JPCU. This role is anchored in the MoU and Security Laws (Amendment) Act respectively. The targeting of the Port of Mombasa for enhanced law enforcement and surveillance of wildlife trafficking is significant in countering transnational wildlife crime. According to TRAFFIC, the Port of Mombasa is highly vulnerable to wildlife trafficking having been involved or inferred to be involved in over 55 tonnes of ivory intercepted between 2002 and 2017. This further highlight the strategic location of the port and its exploitation by criminals.¹¹⁶

At the County and Sub-County levels collaboration amongst law enforcement agencies is evidenced through information sharing, joint operations and resource sharing. Coordination is performed by National Government Administration Officers (NGAO) as part of their responsibility and as chairpersons of the respective security and intelligence committees. At the border post level, coordination is performed by the Kenya Revenue Authority officer in charge as the chairperson of the Border Management Committee.

A further assessment of the effectiveness of the multi-agency approach in countering transnational wildlife crime in Kenya can be undertaken using empirical proposals or published evaluation criteria. Schneider et al provide a two level analysis of approaches to combating transnational crimes. These are policy impact analysis and principles of innovative and effectual combating of wildlife crime.¹¹⁷ Strategy should maintain and enhance the ongoing initiatives. There should also be more emphasis on coordinated and

¹¹⁶ Ibid

¹¹⁷ Schneider, Stephen, Margaret Beare, and Jermy Hill. 2000. *Alternative Approaches to Combating Transnational Crime*. Policy Research Initiative, Toronto: Federal Transnational Crime Working Group.

integrated approaches where vertical and horizontal formal and informal partnerships are pursued. Increased roles of regulatory authorities, emphasis on preventive and proactive initiatives, varied and complimentary targeting, strategic intelligence, corruption issues and incentives for innovation and inter-agency coordination.

Kenya does not have a strategy on transnational crimes. Neither is there a strategy on transnational wildlife crime. However collaboration is a key factor in policy documents within the wildlife sector. Collaboration is actually one of the three pillars in the 2019-2022 Kenya Wildlife Service strategic plan and it specifically acknowledges the need to foster good working relationships with stakeholders at community, county, national and international levels. Collaboration was also a pillar in the previous 2012-2017 strategic plan pointing to how significant it is in the wildlife conservation sector. In 2018 the assessment of formal collaboration between agencies in Kenya to counter ivory trafficking was rated as partially in progress.¹¹⁸

Multi-agency can be undertaken through formal and informal set ups. It can also be undertaken through structures which range from ad hoc or temporary task forces, permanent and national cross jurisdictional agencies or units. Joint operations, joint investigations and task forces are common time bound structures of multi-agency collaboration. The multi-agency approach has been modelled in different arrangements.¹¹⁹

The first basic modelling is the one provided by Brocklesby where the multi-agency

¹¹⁸Environmental Investigation Agency. 2018. *Taking Stock: An assessment of progress under the National Ivory Action Plan process*. Assessment report, London: EIA.

¹¹⁹Sarma, Kiran, M. Multi-Agency Working and Preventing Violent Extremism, RANH&SCISSUE Paper, April 2018.

approach is hierarchically classified based on area of jurisdiction.¹²⁰ In this categorization, the inter-agency cooperation in countering transnational crimes is at three levels which are operational taskforce, nationwide multi-agency collaborative group and international collaboration.

The operational taskforce is a temporary collaboration involving specialized officers from various law enforcement agencies and government departments. Task forces operate mainly within particular jurisdictions either independently or interdependently. They are common in countries with permanent inter-agency organizations which provide the requisite organizational supporting infrastructure. The Kenyan government established a special multi-agency unit in August 2013 to eliminate poaching that had increased in the country. The unit comprised of security officers from KWS, the AP and the GSU.¹²¹ Additionally KWS has worked with other agencies such as the DCI, ODPP and LATF to jointly investigate transnational cases of wildlife trafficking.

The next level of multi-agency model is the permanently staffed national jurisdiction agencies which are established to offer integrated response to crime by pooling input from various law enforcement jurisdictions such as police, wildlife, customs, immigration, fraud, taxation and cyber-crime. The CCP and the NCTC are modelled along this level. The highest level in this categorization is the international governmental and non-governmental organizations which provide analytical, technical and logistical support

¹²⁰Brocklesby, John. 2012. "Using the Viable Systems Model to examine multi-agency arrangements for combatting transnational organised crime." *Journal of the Operational Research Society*, Volume 63, Issue 3 418-430. P-14

¹²¹Save the Rhino. 2013. *Kenyan Government Establishes Special Unit to Tackle Poaching*. 08 14. Accessed 10 25, 2021. <https://www.savetherhino.org/poaching-crisis/kenyan-government-establishes-special-unit-to-tackle-poaching/>.

national law enforcement agencies. The Interpol, UNODC, ICCWC, LATF and WCO fall under this category.

On his part Atkinson suggested that multi-agency models can be classified based on two criteria, extent and organization of multi-agency teams.¹²² On extent of multi-agency approach, Townsley provided three types of working namely autonomous, coordinated and integrated working.¹²³ In autonomous working, professionals from respective participating agencies work jointly to achieve specific objectives. In coordinated working, a multi-agency task group or panel with single or multi-agency funding is used. Integrated working is a synthesized and coordinated style where officers operate as a team under the coordination of an appointed worker who liaises with other collaborating agencies. Integrated working is the model applicable to the County and Sub County Security and Intelligence Committees and the Border Management Committees. The functioning of the two committees is provided for in law with the National Government Administration Officers (NGAO) and KRA officers being mandated to head the committees respectively.

The models based on organization of multi-agency activity expounded by Atkinson, Doherty and Kinder are the decision making, service delivery and operational team models.¹²⁴ In the decision making model of multi-agency approach the participating teams work together in making strategic decisions required to resolve the crime issues at hand. Decision making approach may include the involvement of various professionals from

¹²² Atkinson Mary, Johnes Megan and Lamont Emily. 2007. Op.Cit.

¹²³Townsley, R., Watson, D. and Abbott, D. 'Working partnerships? A critique of the process of multi-agency working in services to disabled children with complex health care needs'. *Journal of Integrated Care*, (2004). 12, 2, 24–34.

¹²⁴ Atkinson, M., Doherty, P., & Kinder, K. (2005). Multi-agency working: models, challenges and key factors for success. *Journal of Early Childhood Research*, 3(1), 7-17.

varied regions or jurisdictions.¹²⁵ On the other hand the service delivery model of multi-agency approach involves the establishment of a multi-agency team by drawing experts from various groups to coordinate the delivery of desired services in an integrated approach. This approach is often used for both operational and strategic value, including building community resilience and foiling of terrorism. In the third and last approach, the operational team delivery, various agencies are brought together purposely to provide services which are largely operational to a specific group.¹²⁶

A further classification is provided by Gelsthorpe who posits that multi-agency initiatives can take a variety of forms including the five models of communication, cooperation, coordination, federation and merger.¹²⁷ In the communication model, the participating agencies limit their engagements to one- and two-way communications through partial or full disclosure of information. In the cooperation model, agencies work on a mutually defined problem while maintaining their identities and jurisdiction. The approach can be through joint action or through consensual agreement to be led by one or more agencies. This is the model that guides the multi-agency initiative around the National Judicial Dialogue on Wildlife and Environmental Crime. In this model the participating agencies agreed to be led by Judicial Training Institute (JTI) in championing enhanced investigation and prosecution of wildlife and environmental crimes. The coordination model entails distinctive agencies working systematically to tackle mutually agreed problems. It may involve pooling of resources. In federation model, agencies operate integrated services by

¹²⁵ Sarma, Kiran, M. Multi-Agency Working and Preventing Violent Extremism, RANH&SCISSUE Paper, April 2018

¹²⁶ Ibid

¹²⁷ Gelsthorpe, Loraine R. 1985. *The Community Service Volunteers/Kent Initiative*. Report IV, London: Police Research Group: Crime Prevention Unit Series.

sharing some centralized services. The merger model entails formation of an indistinguishable unit to work on a mutually defined problem through collective pooling of resources.

Other models of multi-agency approach are based on the organization of the multi-agency unit. The models presented by Percy-Smith were found by Atkinson to possess three principle dimensions of a multi-agency activity.¹²⁸ Based on organization, the multi-agency teams can be described as separate organization, “virtual” organization, co-locating staff from participating organizations and directing group devoid of dedicated personnel. Separate organization refers to where the multi-agency team is established as a separate and distinct legal entity. In “virtual” organization the multi-agency team is a separate distinct entity with no legal identity. It can have a name, logo, offices and staff but only one partner employs and manages resources. This study did not find any evidence that either the separate or virtual organization models were adopted in Kenya’s multi-agency efforts to counter transnational wildlife crime.

In co-locating staff from partner organizations, personnel from partnering organizations work together for a mutual goal. The resources are harnessed by the staff and managed by respective employing agencies. Co-locating of staff is synonymous to secondment of staff which was found to exist between KWS and the NPS. Two police officers are seconded to KWS to assist in operational and liaison duties. One DCI officer is attached to the Investigation Department to assist in investigation of crime and the GSU officer is attached

¹²⁸ Percy-Smith, J. (2005). *Definitions and Models: What Works in Strategic Partnerships for Children*. Ilford: Barnado’s.

to the Security Directorate to facilitate inter-agency liaison between NPS and KWS. Secondment was also found to be used by state parties to staff the Lusaka Agreement Task Force. Finally the directing group devoid of dedicated personnel operates without dedicated budget and staff under a steering group. The multi-agency activity is undertaken through the programs and staff of respective agencies. The Organization for Economic Co-operation and Development (OECD), states that there are no restrictions on the models by which agencies or governments can work together. The form of relationship or partnership is primarily influenced by their needs and experiences.¹²⁹

2.13 Modelling of Multi-Agency Approaches in Countering Transnational Wildlife Crime in Kenya

The study sought to find out how the Multi-agency efforts in countering transnational wildlife crime were modeled in Kenya. The findings were presented in Table 2.8.

¹²⁹OECD. *The Illegal Wildlife Trade in Southeast Asia: Institutional Capacities in Indonesia, Singapore, Thailand and Viet Nam*. OECD Publishing, Paris, 2019. Accessed on 10/08/2021 at <https://doi.org/10.1787/14fe3297-en>.

Table 2.8 Modelling of Multi-agency Efforts in Countering Transnational Wildlife Crime in Kenya

Modelling of Multi-Agency Efforts	Frequency	Percent
Routine collaboration with other agencies/organizations as part of our work in law enforcement/judicial process	129	72.1
Joint operations/investigation	118	65.9
Secondment/attachment of staff to a unit/agency with wildlife crime mandate	109	60.9
Task forces	106	59.2
Collaboration with international organizations countering wildlife crime	76	42.5
Memorandum of Understanding (MoU)	69	38.5
Others	28	15.6

Source: Field Research (2022)

The findings displayed in Table 3.2 indicate that Multi-agency efforts were mostly modeled as routine collaboration as part of law enforcement process (72.1%), Joint operations/investigation (65.9%), secondment/attachment of staff to a unit/agency with wildlife crime mandate (60.9%), Task forces (59.2%), Collaboration with international organizations countering wildlife crime (42.5%) and MoU (38.5%) and others (15.6%) These findings are indicative of the fact that diverse models of Multi-agency approaches were employed to counter transnational wildlife crime in Kenya.

CHAPTER THREE: DIVERSE MULTI-AGENCY STRATEGIES USED IN COUNTERING TRANSNATIONAL WILDLIFE CRIME IN KENYA

3.1 Introduction

This chapter discusses the diverse strategies used in countering transnational wildlife crime in Kenya. The prevalence of transnational wildlife crime before and after the adoption of multi-agency approach is assessed. The existence of key success factors in the multi-agency operations will be examined. This include the extent of coordination and collaboration within the multi-agency framework, transnational multi-agency operations, regional and global collaborations, law enforcement collaboration with NGOs, anti-corruption initiatives and collaboration with communities. The prevalence of transnational wildlife crime and trends in poaching and wildlife trafficking involving Kenya are also detailed. The chapter findings are finally summarized at the end of this chapter.

3.2 Prevalence of Transnational Wildlife Crime in Kenya

Kenya is endowed with rich and diverse wildlife resources. The rich natural heritage has been under threat from transnational criminal networks. Poaching and transnational wildlife trafficking have been singled out as having been responsible for reduction in population of some key and endangered species. The elephant population reduced from hundreds of thousands in 1970s to slightly over 35000 in 2016 and that of black rhino declined from 100000 in 1960 to just over 650.¹³⁰ Although the clandestine nature of wildlife crime makes it difficult to ascertain the impact of wildlife crime on species populations, studies have indicated that illegal wildlife trade has contributed to sharp

¹³⁰Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya.* TRAFFIC, Cambridge.

declines in the populations of big cats (lion, cheetah and leopard) and African wild dog.¹³¹

Transnational wildlife crime has also affected other species such as the pangolin which has emerged as one of the most trafficked wild animal globally.¹³²

Illegal wildlife trafficking had been thriving underground due to security lapses at the border points, airport and seaports. This is despite of a government ban on game and trophy hunting ban imposed in 1977. The sophisticated nature of poaching and trafficking networks which were akin to organized crimes emerged and could not be countered by the efforts of the Kenya Wildlife Service alone.¹³³ Between 2012 and 2013 Kenya recorded the highest number of elephant poaching in two decades.¹³⁴ According to the 2014 Task Force on Wildlife Security (TFWS) in Kenya, “the poaching levels of elephants and rhinos had spiked since 2008 culminating in the poaching of 384 elephants and 24 rhinos in 2012.”¹³⁵ On the other hand the magnitude and transnational nature of wildlife trafficking through Kenya increased significantly to the extent that the amount of in transit wildlife contrabands seized by Kenya’s wildlife and customs authorities in 2013 was the highest in history. This is in Ngatia’s assessment, a consequence that Kenya became a hub for the global illegal wildlife trade due to her strategic positioning and modern telecommunication within the East African region.¹³⁶

¹³¹ Ibid

¹³² Challender, Daniel, W. S., Waterman, Carly, and Baillie, Jonathan. 2014. *Scaling up pangolin conservation*. Zoological Society of London, London, UK. P-16

¹³³ Weru, Sam. 2016. “*Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya*.” TRAFFIC, Cambridge.

¹³⁴ According to data provided by KWS. Also refer to figure 3.1 on elephant poaching trend

¹³⁵ Task Force on Wildlife Security. 2014. *Lifting the Siege: Securing Kenya's Wildlife*. Task Force Report, Nairobi: Unpublished.

¹³⁶ Ngatia, Peter Mureithi. 2018. *Unveiling the Challenges of Curbing Wildlife Crime in Kenya: Evaluating the 3Cs solution*. PhD Thesis, Bolton: University of Bolton. P-15

In addition to the transnational perspective, wildlife crime in Kenya had been characterized by shifts in weapons used, areas affected and trafficking methods used. For transnational wildlife crime to thrive, the facilitating methods, trade routes and concealment techniques used to poach and traffic wildlife products had evolved. Evidence suggested that if poaching persisted at the then prevailing level, the local African elephant populations could have disappeared by 2018.¹³⁷ The sophistication, expansion, magnitude and the involvement of foreign actors in transnational wildlife crime in Kenya provided the impetus for a multipronged approach in countering the crime. The transnational wildlife crime in Kenya was also interlinked to other crimes such as proliferation of arms and light weapons and the corruption factor.¹³⁸

Kenya had been on record for increased rhino and elephant poaching and the use of her entry and exit points in trafficking of wildlife. The port of Mombasa and JKIA were specifically singled out. Schneider et al suggest that a comparison of a multi-agency approach collective action with a structure it replaced is a reliable, comprehensive and systematic analysis of the success of a multi-agency initiative in countering transnational crime.¹³⁹ In this case the successfulness of Kenya's multi-agency efforts in countering transnational wildlife crime can be assessed by examining the trend of wildlife crime over time. Poaching and trafficking of wildlife products or parts of wild animals which have no market within Kenya is an indicator of multi-agency effectiveness. This is due to the fact

¹³⁷ United Nations. 2014. *UN Library*. 09 02. Accessed 10 18, 2021. <https://www.un-ilibrary.org/content/journals/15643913/51/2/11>

¹³⁸Ngatia, Peter Mureithi. 2018. *Unveiling the Challenges of Curbing Wildlife Crime in Kenya: Evaluating the 3Cs solution*. PhD Thesis, Bolton: University of Bolton. P-18

¹³⁹Schneider, Stephen, Margaret Beare, and Jermy Hill. 2000. *Alternative Approaches to Combating Transnational Crime*. Policy Research Initiative, Toronto: Federal Transnational Crime Working Group.

that the poaching and illegal trade is in response to demands and markets outside the country.

Elephant ivory and rhino horn have been confirmed by CITES as having no market in Kenya as evidenced by the categorization of Kenya as being only a source and transit country. Prevalence of elephant and rhino poaching and trafficking in ivory, rhino horns and other internationally trafficked species presents a good indicator for level of transnational wildlife crime. According to Miraglia, Ochoa and Briscoe, the occurrence of transnational organized crimes in a state denotes weak security institutions and corruption.¹⁴⁰ By 2016 studies had established links between transnational organized crimes, wildlife crimes and presence of transnational criminal syndicates in Kenya.¹⁴¹ The most commonly internationally trafficked wild flora and fauna are outlined in table 3.1 below.

¹⁴⁰Miraglia, Paula, Rolando Ochoa, and Ivan Briscoe. 2012. *Transnational organised crime and fragile states*. OECD Development Co-operation Working Papers, OECD.

¹⁴¹Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya*. TRAFFIC, Cambridge.

Table 3.1 Wildlife Specimens Frequently Trafficked from Kenya

Specimen or Species	Form or Part Trafficked	Destination Region
Elephants	Ivory, skins, powder	East and Southeast Asia
Rhinos	Horns	East and Southeast Asia
Lions, leopards, cheetahs (cat family)	Skins and live pets	East & Southeast Asia, Europe and America
Reptiles (chameleons, lizards, snakes, tortoises)	Live pets, poison and venom	East & Southeast Asia, Europe and America
Pangolins	Live animal, meat, scales	East and Southeast Asia
Sandal wood	Wood and powder	East and Southeast Asia
Aloe	Gum	East & S/East Asia, Europe

Source: KWS (2022)

3.2.1 Elephant and Rhino Poaching Trends (2010 – 2020)

As stated previously, elephant poaching had been increasing in Kenya from 2008 to 2012. In August 2013, the government established a multi-agency anti-poaching unit comprised of KWS, GSU and Administration Police officers to protect elephants against poaching in hot spot areas. The increased elephant and rhino poaching was quickly followed by increased trafficking of elephant ivory and rhino horns initially through the JKIA and later through the port of Mombasa.¹⁴² The high levels of rhino poaching was also considered as a threat to conservation and national security.¹⁴³ The African elephant and rhino

¹⁴² Interview of KWS senior security officer

¹⁴³ Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya.* TRAFFIC, Cambridge.

populations in Kenya are endangered and therefore subject to protection. Secondly rhino horns and elephant ivory are high value resources that if not well secured can fund armed and non-armed conflicts. Moreover the two species are part of Kenya's big five tourist attractions.

Studies by the UN¹⁴⁴ and Karanja¹⁴⁵ revealed that armed groups in Uganda, Congo and Sudan had benefited from elephant ivory and rhino horns. The attention accorded to elephant and rhino poaching in Kenya was also reinforced by the National Ivory Action Plan which was Kenya's action plan for containing elephant poaching and ivory trafficking following a CITES resolution in 2013. One of the five thematic areas of the action plan was law enforcement, investigation, collaboration and coordination of government agencies with mandate in combating wildlife trafficking.¹⁴⁶ According to respondents from KWS, KRA, NIS, NPS and ODPP there was a two pronged approach to rhino and elephant linked crimes. Preventive measures were mainly undertaken through intelligence led operations while the reactive measures were mainly prosecution led investigations. Security deployments in rhino sanctuaries and elephant poaching hot spots were informed by threat assessments. These efforts led to continuous reductions in elephant and rhino poaching from highest levels in 2013 to the lowest levels in 2020 as illustrated in Figure 3.1.

¹⁴⁴UN. 2013. *Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affiliated areas*. SG Report, New York: United Nations Security Council.

¹⁴⁵Karanja, David. 2012. "The role of the Kenya Wildlife Service in protecting Kenya's wildlife." *The Kenya Wildlife Service in the 21st Century: protecting globally significant areas and resources*, vol. 29, 74-80.

¹⁴⁶Kenya Wildlife Service. 2014. *Nature of illegal Wildlife trafficking in Kenya*. KWS Internal Report, Unpublished.

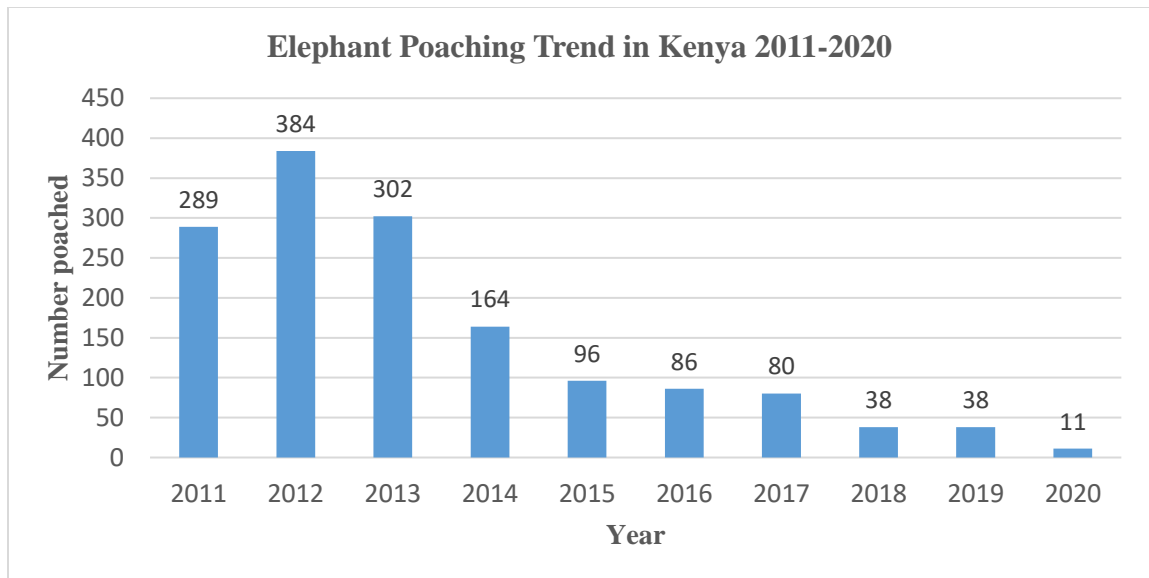


Figure 3.1 Elephant poaching trend in Kenya

Source: KWS (2022)

The chart shows a continuous decline of elephant poaching from when it was highest in 2012 when a record 384 elephants were poached to 2020 when 11 elephants were poached. Data provided by KWS indicate that the highest level of rhino poaching was recorded in 2013 when 59 rhinos were poaching and the poaching rate continued to decline until 2020 when no rhino was poached. The 2020 zero rhino poaching was the lowest in 20 years. Respondents attributed the reduction in poaching rates to hard work by KWS officers and the multi-agency approach. The build up to enhanced rhino and elephant protection in Kenya was traced to 2013 when the Cabinet Secretary for the Ministry of Environment and Natural Resources appointed a Task Force on Wildlife Security to assess threats to wildlife conservation in Kenya.¹⁴⁷ Additionally there was increased participation of other agencies such as NIS in poaching and illegal wildlife trafficking operations. Kihiu states that the NIS participation in poaching matters led to 40% decrease of poaching cases in Kenya

¹⁴⁷Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya.* TRAFFIC, Cambridge.

since 2014.¹⁴⁸ This finding is further reinforced by Karanja who established that multi-agency strategies in Kenya had reduced poaching cases in Kenya. The 2018 elephant poaching cases reduced by 50% due to multi-agency strategies.¹⁴⁹ According to KWS, rhino and elephant poaching rates have reduced mainly due to two factors inter-agency collaboration and enhanced law enforcement operations. Inter-agency operations have been realized through information sharing, joint operations and resource sharing. These initiatives fit into the inter-agency collaborative activities detailed by McDonald and Rosier.¹⁵⁰

3.2.2 Wildlife Trafficking From and Through Kenya

In 2019 Kenya was assessed by the US Government Officials on inter-agency cooperation in combating wildlife trafficking as part of 26 countries categorized as focus countries in illegal wildlife trafficking. According to a US Government Wildlife Trafficking Report, Kenya was among four countries that were reported to have high inter-agency or intergovernmental cooperation in combating wildlife trafficking in their jurisdictions.¹⁵¹ The report further indicated that more than 3000 individuals were trained in Kenya in 2019 to improve capacity to combat wildlife trafficking. Kenya's figures were the highest of the 26 focus countries. This finding differs slightly from those of this study where joint multi-agency training scored the lowest level of agreement. The training referred in the US may

¹⁴⁸Kihuu, Charles. 2017. *NIS Help Agency's War on Poaching*. Nairobi: University Press.

¹⁴⁹Karanja David Wang'ombe. Op Cit

¹⁵⁰ McDonald, Myfanwy, and Kate Rosier. 2011. *Interagency collaboration: Part A. What is it, what does it look like, when is it needed and what supports it?* Briefing Paper 21, Melbourne: Australian Family Relationships Clearinghouse. P-1

¹⁵¹US Department of State. 2020. *2020 END Wildlife Trafficking Report*. 10 26. Accessed 11 12, 2021. <https://www.state.gov/2020-end-wildlife-trafficking-report/>.

have been directed at a segment of wildlife conservation stakeholders such as conservancies which was only a sample in this study.

The designation of Kenya, Tanzania, Uganda and Democratic Republic of Congo as Focus Countries under “the US Government Eliminate, Neutralize, and Disrupt (END) Wildlife Trafficking Act of 2016” implies that Kenya remains a major source and transit country for trafficked wildlife.¹⁵² This classification adds to the 2013 CITES categorization of Kenya as a source and transit country in relation to global ivory trafficking. According to TRAFFIC, Kenya’s entry and exit points were responsible for most of the ivory seized globally between 2012 and 2014.¹⁵³ Data held by TRAFFIC indicated that between 2009 and 2001, Kenya was linked to 29% of the global ivory seizures which weighed at least 500kg per single seizure.¹⁵⁴ The figure rose to 35% in the period between 2012 and 2014 underscoring the significance of Kenya as a source and transit country for global illegally trafficked ivory. The proportion of illegally trafficked ivory involving Kenya reduced to 17% for the period between 2015 and 2017. Questionnaire and interview respondents confirmed that there has been no ivory or other wildlife specimen seized out of the Kenyan borders since 2016 signifying the impact of the efforts made by Kenya and the international community in countering transnational wildlife trafficking.

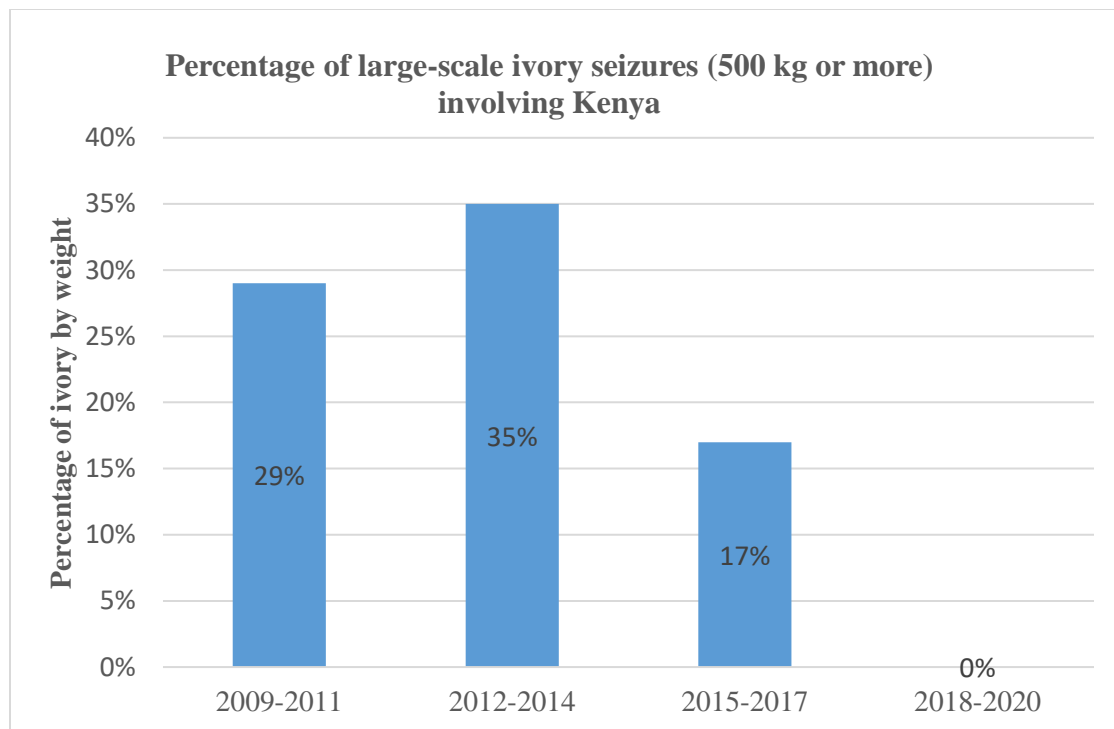
The reduction in ivory trafficking from and through Kenya is confirmed by global ivory seizure data from TRAFFIC which indicate that the internationally seized ivory has not

¹⁵² Ibid

¹⁵³ Milliken, Tom. 2019. "Countering Wildlife Trafficking through Sea Ports." *Port Stakeholder Workshop*. Mombasa: Workshop Presentation, 10 23-25.

¹⁵⁴ Ibid – see Figure 3.2

involved Kenya either as a source or transit point since 2018.¹⁵⁵ However ivory seizures continue to be made in other parts of the world. According to Environmental Investigation Agency (EIA) and KWS respondents, the Mombasa Port has not had any large scale seizure since 2016.¹⁵⁶ The proportion of global large scale ivory seizures involving Kenya for the period from 2009 to 2020 is presented in the figure 3.2 below;



Source: TRAFFIC (2019)¹⁵⁷

Figure 3.2 Proportion of large scale global ivory seizures involving Kenya (2009 to 2020)

¹⁵⁵ See Figure 3.2

¹⁵⁶Environmental Investigation Agency. 2018. Op Cit.

¹⁵⁷ Milliken, Tom. 2019. "Countering Wildlife Trafficking through Sea Ports." *Port Stakeholder Workshop*. Mombasa: Workshop Presentation, 10 23-25.

3.3 Prosecution of Wildlife Crimes in Kenya

A multi-agency approach is important for successful prosecutions.¹⁵⁸ This is necessitated by the role played by various actors and agencies with the main ones being the investigation, prosecution and judicial authorities. This approach fits into Ohr's emphasis that the fight against transnational crime is primarily dependent on the investigative and prosecutorial tools developed to address a particular crime.¹⁵⁹ This is re-emphasized by Mwalili, who calls for collaboration and understanding between agencies involved in the prosecution process.¹⁶⁰ Inter-agency collaboration is explicitly advocated for in the 2014 National Prosecution Policy of Kenya.¹⁶¹

Various Kenyan government agencies have been collaborating with the ODPP in the prosecution of wildlife crimes. These include KWS, NPS and the DCI. According to the ODPP, the collaboration with these government agencies has ensured effective, comprehensive and timely service delivery. The prosecution of wildlife crime cases is one of the areas that the multi-agency approach focused on in order to increase conviction rates and stem the surge in poaching and illegal wildlife trafficking. The starting point was the creation of a Wildlife Crimes Prosecution Unit in the ODPP in 2014 thus underlying the recognition of wildlife crime as a specialized thematic area which required specialized skills. The wildlife crime prosecutors underwent specialized training in order to enhance

¹⁵⁸Mwalili, Jonathan John. 1997. "Issues Concerning Prosecution in Relation to Conviction, Speedy Trial and Sentencing." *10th International Training Course*.

¹⁵⁹Ohr, Bruce G. 2015. "Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes." *116th International Training Course Visiting Experts' Papers - Resource Material Series No. 58*, 09 04: 40-60.

¹⁶⁰ Ibid

¹⁶¹Office of the Director of Public Prosecutions. 2014. *National Prosecution Policy*. Prosecution Policy, ODPP.

their skills in prosecuting wildlife crimes. This has enabled the country to have more than 200 prosecutors dedicated to wildlife crimes in 2020 compared to two in 2013.¹⁶²

One of the training forums is the Annual Judicial Dialogue on wildlife and environmental crimes which was spearheaded by the Judiciary Training Institute (JTI). The training of ODPP prosecutors in wildlife crimes is acknowledged by the ODPP in its annual reports as being specialized and critical to handling specialized prosecution in areas of emerging crimes and trends.¹⁶³ Collaboration on prosecution of wildlife crimes was also extended to include non-state actors such as, development partners and NGOs. The development partners engaged include the UNODC, INL and US Department of Justice while NGOs include AWF, ANAW, TRAFFIC, Wildlife Direct and Space for Giants. Additional collaborative efforts with NGOs have led to a total of seventy three (73) ODPP prosecutors being trained on wildlife crimes by Lawyers Without Borders (LWOB). The aim was to build a pool of highly skilled trainers within ODPP and the East African region.

The inter-agency cooperation on prosecution of transnational wildlife crime has been facilitated and enhanced through prosecutors' and asset recovery agencies networks. These include the East Africa Association of Prosecutors, the Great Lakes Judicial Cooperation Network (GLJCN), Asset Recovery Inter-Agency Network for Eastern Africa (ARIN-EA) and Asset Recovery Inter-Agency Network for Southern Africa (ARIN-SA). A review of Kenya's National Ivory Action Plan (NIAP) by the Environmental Investigation Agency

¹⁶²Financial Times. 2021. *How Kenya turned the tide against ivory poachers*. April 28. Accessed November 13, 2021. <https://www.ft.com/content/70cad2a1-3aac-45bd-ad05-af8904118d69>.

¹⁶³Office of the Director of Public Prosecutions. 2020. *Annual Report: Consolidated Report for the Financial Years 201/2018, 2018/2019 and 2019/2020*. Report to H.E the President and to Parliament, Nairobi: ODPP Kenya. p-9

(EIA) found that there was low conviction rate for cases involving large scale ivory seizures.¹⁶⁴ It was established that out of 12 large scale ivory seizures since 2010, Kenya had secured only one conviction which was also overturned after an appeal in high court. Inadequate routine financial investigations and failure to seize proceeds of wildlife crime were other key concerns on Kenya. This led to zero convictions on ancillary crimes such as corruption, money laundering and proceeds of crime.

The multi-agency collaborative initiatives on prosecution of wildlife crimes have also resulted in increased understanding and collaboration among investigators, prosecutors and judiciary on the gravity, consequences and magnitude of wildlife crimes in general and transnational wildlife crime in particular. According to the ODPP, the significant improvement in reducing poaching and wildlife trafficking is a result of better inter-agency collaboration and coordination which has enhanced professionalism and understanding that wildlife crime is not merely the killing of elephants.¹⁶⁵ The collaboration, shared values and understanding gave rise to the production of reference documents to guide the investigation and prosecution of wildlife crimes. According to UNODC, “a rapid reference guide for the investigation and prosecution of wildlife related offences was developed through the coordination of the ODPP following series of inter-agency forums on wildlife related crimes that started in 2013.”¹⁶⁶ The reference guide includes standard operating procedures and sample charges to guide in the investigation and prosecution of wildlife crimes in Kenya.

¹⁶⁴Environmental Investigation Agency. 2018. Op Cit, P-27

¹⁶⁵Financial Times. 2021. Op Cit.

¹⁶⁶ UNODC. 2016. *Wildlife Offences in Kenya; Point to Prove. A Rapid Reference Guide for the Investigation and Prosecution of Wildlife Related Offences*. Nairobi.

Generally, the collaborative efforts have resulted in enhanced conviction rate of wildlife crimes in Kenyan courts. According to the ODPP, the conviction rate of wildlife crime cases increased from 44% in 2013 to 91% in 2021 and this is attributed to the review of the Wildlife Conservation and Management Act and inter-agency collaboration which increased the prosecution of wildlife crimes.¹⁶⁷ The enhanced conviction level is regarded as an indicator of significant achievement by law enforcement agencies and other conservation partners in the war against illegal wildlife trade. According to AWF, it epitomizes synergism between actors' seamless efforts to enhance the investigation, prosecution and adjudication of wildlife cases.¹⁶⁸

In addition to training, the inter-agency collaboration works on an information sharing model through which consultation on case profiles, evidence gathered and other pertinent issues related to wildlife crime cases is encouraged and emphasized. The collaboration between investigators and prosecutors enhances the case building, identification and addressing of legal flaws, structural weaknesses and defective charges.¹⁶⁹ It is a departure from previous practice where the police were both the investigator and prosecutor. The role of inter-agency collaboration in enhancing prosecution of wildlife crime cases is corroborated by Friedman who notes that the improved inter-agency collaboration since

¹⁶⁷Office of Director of Public Prosecutions. 2021. *New Act leads to reduction in Wildlife crimes*. 07 13. Accessed 11 12, 2021. <https://www.odpp.go.ke/new-act-leads-to-reduction-in-wildlife-crimes/>.

¹⁶⁸African Wildlife Foundation. 2016. *Conviction rate for wildlife crimes in Kenya goes up*. Accessed 11 12, 2021. <https://www.awf.org/blog/conviction-rate-wildlife-crimes-kenya-goes>.

¹⁶⁹ Ibid

2014 has brought a paradigm shift from police-led investigations to joint prosecution-led investigations through which strong cases are being made from the start.¹⁷⁰

3.4 Joint Multi-Agency Training on Countering Transnational Wildlife Crime

Building capacity and expertise in combating wildlife crime is a key ingredient for effective inter-agency collaboration since it involves sharing of resources that include human and financial.¹⁷¹ Mulroney posits that regardless of country, cross-agency training initiatives are some of the agency needs that yield effective collaborations.¹⁷² This is also articulated by McDonald and Rosier as a key inter-agency collaborative initiative.¹⁷³ Respondents from KWS confirmed that the national security organs offered their training facilities and personnel to train KWS intelligence, investigation and wildlife protection officers on law enforcement skills. Some of the outstanding outcomes of the training include gazettement of KWS scene of crime officers and expansion of intelligence analysis unit.

KWS also partnered with other government agencies and non-state actors to undertake joint agency training for law enforcement agencies stationed at the entry and exit points as well as other officers from agencies and institutions participating in countering wildlife crimes. The objective of the training was to equip law enforcement officers manning exit and entry points on how to identify and intercept trafficking of wildlife and wildlife products.

¹⁷⁰Friedman, Lauren R. 2018. *Advancements in the Prosecution of Wildlife Crimes: What can we learn from the Kenyan Experience?* Unpublished Masters Thesis, Nairobi: United States International University – Africa. P-32

¹⁷¹*Africa Science News*.2020. February 05. Accessed November 13, 2021.

<https://africasciencenews.org/interagency-collaboration-paramount-to-combat-wildlife-crime/>.

¹⁷²Mulroney, Jane. 2003. *Trends in Interagency Work, Australian Domestic and Family Violence, Clearinghouse*. Topic Paper, Sydney, Australia: The University of New South Wales. P-10

¹⁷³ McDonald, Myfanwy, and Kate Rosier. 2011. *Interagency collaboration: Part A. What is it, what does it look like, when is it needed and what supports it?* Briefing Paper 21, Melbourne: Australian Family Relationships Clearinghouse. P-1

Additionally it was aimed at equipping the front line law enforcement officers with skills to detect, identify and intercept illegally trafficked wildlife. According to Weru, capacity to detect illegal wildlife trafficking at the entry and exit points was one of the weaknesses that was being capitalized by illegal wildlife traffickers.¹⁷⁴ Moreover, joint inter-agency training was one of the recommendations by the 2014 wildlife security task force for enhancing the capacity of Kenya's entry and exit points to detect and interdict wildlife trafficking.¹⁷⁵

LATF, IFAW, AWF and TRAFFIC are some of the non-state actors which partnered with government agencies to offer training on how to detect and deter wildlife trafficking. In 2019 for instance, IFAW delivered an inter-agency training for frontline law enforcement officers working at the One Stop Border Posts on the Kenya – Tanzania border. The participating officers were from Kenyan and Tanzanian authorities based at the border posts and were drawn from customs, wildlife, police and immigration authorities. The objective was to enhance the ability of more officers working at the border posts to detect and intercept wildlife trafficking. This was in response to an observation that non wildlife officers were missing key skills and knowledge on wildlife trafficking and concealment methods, a factor that previously allowed illegally trafficked wildlife to pass undetected through the borders. Similar trainings were undertaken for other officers at the ports, airports and other border points. Some of the trainings involved international participants

¹⁷⁴Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya.* TRAFFIC, Cambridge.

¹⁷⁵Task Force on Wildlife Security. 2014. *Lifting the Siege: Securing Kenya's Wildlife.* Task Force Report, Nairobi: Unpublished. P-14

and experts. The rationale was to inculcate multi-agency collaboration, regional and global approach to combating transnational wildlife crime.

In 2015, IFAW coordinated a regional training workshop in Uganda to enhance the expertise of law enforcement officers to fight wildlife trafficking. The aim of the workshop was “to empower law enforcement officers from customs, wildlife law enforcement and wildlife management with requisite skills to deter wildlife trafficking.”¹⁷⁶ Participants were drawn from all the East Africa Community member states, Ethiopia, Democratic Republic of Congo and Sudan. This was among a series of training under an Africa-wide wildlife crime control program called Africa’s Regional Response to Endangered Species Trafficking (ARREST). The objective of the program was to strengthen the ability of the continent to combat wildlife crimes by offering training to law enforcement officials from the “Horn of Africa, East Africa and Central Africa.”¹⁷⁷ It is through this program that NGOs secured funding from the US Department of State (USDoS), INL and Law Enforcement Affairs to coordinate the training in Kenya.

The transport sector plays an important role since the trafficked wild animals and wildlife derivatives are transported across borders and continents. Therefore the participation of the aviation, maritime and land transport sectors in combating transnational wildlife crime is a critical success factor. Therefore training of actors in this sector is equally important. In the aviation and maritime sectors the KAA and KPA personnel were respectively included

¹⁷⁶African Wildlife Foundation. 2015. *New Training Program Improves Regional Capacity to Combat Wildlife Trafficking*. May 18. Accessed November 13, 2021. <https://www.awf.org/news/new-training-program-improves-regional-capacity-combat-wildlife-trafficking>.

¹⁷⁷ African Wildlife Foundation. 2015. ARREST Launched to Combat Wildlife Trafficking. <https://www.awf.org/news/arrest-launched-combat-wildlife-trafficking> Accessed on 04/06/2022

in the inter-agency trainings for law enforcement. In Kenya the airline transport staff were trained on how to detect and stop smugglers of wildlife products in March 2018. According to TRAFFIC, the cabin crew, cargo processors, ground handlers and staff from regional airports were identified as playing a key role in preventing wildlife trafficking through airports.¹⁷⁸ The training was a United States Agency for International Development (USAID) sponsored project on Reducing Opportunities for Unlawful Transport of Endangered Species (ROUTES).

According to TRAFFIC, ROUTES was a partnership of public and private entities in law enforcement, transport, logistics and conservation industries who worked with donors to disrupt wildlife trafficking activities.¹⁷⁹ The training was initiated on the observation that the Kenyan air transport sector was a significant mode of transport for poachers and traffickers supplying wildlife products to Asia. It therefore became imperative to increase the ability of the transport sector staff to detect, identify and report suspected cases of wildlife trafficking in order to stop traffickers abusing the transport sector. The ROUTES project was also undertaken in other key wildlife trafficking hubs in Africa and Asia.

3.5 Deployment of KWS Officers at Entry and Exit Points in Kenya

One of the findings by Weru in his assessment of wildlife protection and trafficking in Kenya was that wildlife law enforcement officers were not deployed at the entry and exit points that were frequently being used to traffic wildlife.¹⁸⁰ By 2010 there were no wildlife

¹⁷⁸ TRAFFIC 2018. *ROUTES Partnership and Kenya Airways train transport staff to help curb wildlife trafficking*. March 1. Accessed November 13, 2021. <https://www.traffic.org/news/routes-partnership-and-kenya-airways-train-transport-staff-to-help-curb-wildlife-trafficking/>.

¹⁷⁹ Ibid

¹⁸⁰ Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya*. TRAFFIC, Cambridge.

officers deployed within the border posts of Malaba, Busia, Isebania, Taveta and Lungalunga, the Kilindini Port and Moi International Airport, Mombasa. Most of these areas were being overseen by the nearest KWS offices which were located away from the entry and exit points. This study established that in 2017 KWS deployed security officers to six one stop border posts of Lungalunga, Taveta, Namanga, Isebania, Busia and Malaba to counter wildlife trafficking. The deployment of KWS officers at the entry and exit points was one of Kenya's commitment to address ivory trafficking. Respondents from surveyed border posts indicated that all border posts recorded seizures of wildlife and wildlife specimens being trafficked and arrested concerned suspects. This was collaborated by data held by KWS which revealed that the most frequent recovery at the border posts was elephant ivory.

In 2010 KWS deployed officers to the Port of Mombasa and sniffer dogs at the Moi International Airport. According to respondents from KWS, KRA and NPS, the deployment of KWS officers at the border posts has enhanced the understanding of the nature and magnitude of wildlife crimes and trafficking methods. This finding is reinforced by the strong agreement by questionnaire respondents with the statement that "there has been increased understanding of wildlife crime by more officers and stakeholders." The participation of KWS officers in border based initiatives such as training, meetings and security operations has increased the profiling of wildlife crimes since the agency mandated to conserve wildlife is represented at the border posts. The officers serve as reference point for wildlife crime matters such as investigation and prosecution of suspects. This has increased the quality of investigations undertaken when compared to previous cases investigated by police officers. The drafting of correct charges for suspects involved

in wildlife crimes was singled out as another area where the KWS officers have made valuable contributions.

3.6 Multi-Agency Operations to Counter Transnational Wildlife Crime

The undertaking of joint operations, joint investigations and participation in multi-agency task groups is one of the key characteristic features of multi-agency initiatives. Operations targeting transnational wildlife crime have been undertaken by multi-agency teams composed of various Kenya law enforcement agencies. Participating agencies include KWS, NIS, NPS and DCI. These operations were both reactive and proactive. According to KWS there has been a well-coordinated collaborative working relationship with other government law enforcement agencies at all levels on matters of wildlife crime.¹⁸¹ These operations have targeted suspected local and foreign actors engaged in transnational wildlife crime in the country. Accordingly Kenya has registered successes in profiling, surveillance and interception of wildlife crimes. The collaboration has been extended to cross cutting and cross jurisdictional cases such as those involving other crimes such as drug trafficking, money laundering and human trafficking in addition to wildlife crimes.

3.7 Regional and Global Collaboration in Countering Transnational Wildlife Crime

The transnational character of wildlife crimes demands for international collaborations to complement the national efforts. According to Friedman, some of the initiatives required to combat transnational wildlife crime include improvement of specialized investigation and intelligence techniques and establishment of multi-agency units with linkages beyond

¹⁸¹Karanja David Wang'ombe. Op Cit. P-49

the national boundaries.¹⁸² Kenya is a member and party to key multilateral agreements and international/intergovernmental organizations with mandate on transnational wildlife crime. Kenya is a member and a host of the Lusaka Agreement Task Force which spearheads regional efforts in countering wildlife crimes in the East, Central and Southern Africa regions.

An assessment of 15 selected countries by the EIA in 2016 included three indicators of participation in regional and international wildlife law enforcement operations since 2014, being party to bilateral or multilateral agreements directed at countering transnational wildlife crime and having an established multi-agency unit to investigate wildlife crime.¹⁸³ Kenya scored the highest rating of “significant progress” alongside Uganda, Malawi and South Africa.¹⁸⁴ Botswana, Mozambique and Tanzania scored lower rating of “some progress or lower” in at least one key indicator. Kenya’s collaboration with other African and Asian Countries, LATF and Interpol facilitated international multi-agency investigations of transnational wildlife crime syndicates that led to arrest of ivory trafficking suspects in Congo and the arrest and extradition of a Chinese National in Nairobi to China who was jailed for 13 years.¹⁸⁵

LATF has been coordinating wildlife law enforcement operations among the member states of Kenya, Uganda, Tanzania, Zambia and Republic of Congo. Some of the wildlife trafficking operations coordinated by LATF include the ‘Operation Cobra’ which was

¹⁸²Friedman, Lauren R. 2018. *Advancements in the Prosecution of Wildlife Crimes: What can we learn from the Kenyan Experience?* Unpublished Masters Thesis, Nairobi: United States International University – Africa. P-14

¹⁸³ Environmental Investigation Agency. 2016. Op Cit

¹⁸⁴ Ibid

¹⁸⁵ Ibid

targeted at illegal wildlife trade between Africa and Asia. The third phase of the operation which was conducted in 2015 was described as a successful model for putting into action governments' and international community's commitment to transnational wildlife crime.¹⁸⁶ The other Cobra operations were undertaken in 2013 and 2014 and Kenya was a participant and regional coordinator for all of them.

LATF has also participated in training of law enforcement officers within the region under the capacity building program. Kenya has benefited from these trainings which are largely focused on officers working at the entry and exit points, KWS intelligence and investigation officers. LATF also maintains a Wildlife Enforcement Monitoring System (WEMS) database. Gumba posits that WEMS enhances environmental governance by providing a platform for monitoring and identification of wildlife trafficking routes and provides locational “analysis for the illegal trade and poaching of wildlife. The database allows for information sharing between national enforcement agencies” in a country, and also among regional networks.¹⁸⁷

Interpol is another key intergovernmental organization that has demonstrated resolve in countering transnational wildlife in Kenya, regionally and globally. It has a two-fold presence in Kenya through the National Central Bureau (NCB) and the Regional Bureau. Interpol is one of the advocates of the multi-agency approach to combating transnational wildlife crime. As the largest international police organization it prides itself as being best

¹⁸⁶TRAFFIC. 2015. “*COBRA initiative enhances partnership in fighting transnational wildlife crime*.” September 15, 2015. Accessed November 14, 2021 at <https://www.traffic.org/news/cobra-initiative-enhances-partnership-in-fighting-transnational-wildlife-crime/>.

¹⁸⁷ENACT. 2018. *Africa's unsung wildlife task force*. August 19. Accessed November 13, 2021. <https://enactafrica.org/research/trend-reports/africas-unsung-wildlife-task-force>.

suites to develop a multi-agency approach response to wildlife crime.¹⁸⁸ The Interpol recommended in 2013 for the establishment of National Environmental Security Task Force (NEST) by member countries. This national multi agency initiative would rally national law enforcement agencies to address environmental crime through coordinated, collaborative and strategic response.¹⁸⁹ It developed a guide to assist member countries in establishing the NEST.

In Kenya the Interpol provided assistance to KWS in the form of training, investigative and analytic support. This support resulted in the arrest of key suspects and seizure wildlife being trafficked. The Interpol red notices were used to request for the location and arrest of suspects wanted internationally. Specific red notice cases involving Kenya include that of Faizal Mohamed who was arrested in Tanzania and subsequently extradited to and charged in Kenya for being in possession of 2 tonnes of ivory. Mansur Mohamed Surur, a Kenyan Citizen was arrested by Kenyan authorities following an Interpol red notice and extradited to the US to face charges of wildlife and drug trafficking to the US. More notices touching on Kenyan cases and nationals were still in force on the Interpol website.

Kenya has participated in Interpol coordinated global wildlife crime operations where varied achievements were realized. The operations include “Operation Worthy II in 2015, Operation Thunderbird in 2017 and Operation Thunderstorm in 2018.”¹⁹⁰ INTERPOL has also undertaken various projects specifically targeted at specific species threatened by

¹⁸⁸INTERPOL. 2018. *Global Wildlife Enforcement: Strengthening Law Enforcement Cooperation Against Wildlife Crime*. Wildlife Prospectus, Lyon: INTERPOL Secretariat.

¹⁸⁹ INTERPOL. 2013. *National Environmental Security Task Force*.

¹⁹⁰ Interpol. 2021. *Wildlife crime*. <https://www.interpol.int/en/Crimes/Environmental-crime/Wildlife-crime> Accessed on 04/06/2022

transnational wildlife crime. These include “Project Wisdom - on ivory and rhino horn, Project Predator - on Asian big cats, Project Leaf - on illegal logging and, Project Scale - on fisheries.”¹⁹¹ According to INTERPOL, Project Wisdom was used to establish an environmental crime team within the Regional Bureau in Nairobi to assist member countries within East Africa to investigate, disrupt and dismantle transnational wildlife trafficking.¹⁹² Established in October 2014, the environmental crime team collaborated with national law enforcement agencies to disrupt transnational wildlife crime networks.¹⁹³

Kenya is a party to the CITES and can therefore use its permitting and listing system to counter transnational wildlife crime. In 2019 Kenya submitted five proposals for the listing of five endangered species in the CITES Appendix I which would have afforded the listed species the highest protection by having their trade restricted to exceptional circumstances only. As a party, Kenya has lobbied for a total ban on trade in rhino horns and elephant ivory. Kenya advocated for closing of ivory markets in Asia arguing that it is the legal ivory markets that act as catalysts for poaching and ivory trafficking by creating demand and complicating monitoring and enforcement. In 2016 Kenya was among a group of ten African countries which petitioned the seventeenth meeting of the Conference of the CITES Parties in Johannesburg, South Africa to close domestic markets for elephant ivory.

¹⁹¹Sellar, John M. 2014. Op.Cit. P 15-20

¹⁹² 2014. *INTERPOL announces formation of dedicated environmental crime team in Africa*. October 7. Accessed November 15, 2021. <https://www.interpol.int/es/Noticias-y-acontecimientos/Noticias/2014/INTERPOL-announces-formation-of-dedicated-environmental-crime-team-in-Africa>.

¹⁹³ Ibid

According to the petition, the domestic ivory markets create loopholes for laundering illegal ivory by disguising it as legal.¹⁹⁴

Although the CITES Secretariat did not adopt the petition, the lobbying by Kenya and other countries has led to voluntary closure of ivory markets in Asia, including China and Singapore. The destruction of Kenya's ivory stockpile in 2016 was a culmination of a multi-agency exercise to audit and account for the country's stockpile. The objective was to ensure that government stockpiles were not diverted into the illegal market and are not a strain for resources to protect them. More than 100 tonnes of ivory were destroyed through burning on April 30, 2016. The inventory and disposal of government ivory stockpile were part of the National Ivory Action Plan (NIAP) indicators where Kenya registered good progress in a 2018 review.¹⁹⁵

3.8 Law Enforcement Agencies Collaboration with NGOs

Non state actors such as NGOs and non-profit organisations are some of the key actors in the conservation and management of wildlife in Kenya. This is reflected in a study that established that non state actors constitute the highest proportion (45%) of actors collaborating with KWS and 52% of the non-state actors are engaged in provision of technical services that include trophy identification, conservation and protection of species.¹⁹⁶ The role of NGOs in countering transnational wildlife crime can be categorized

¹⁹⁴ CITES. 2016. "Closure of domestic markets for elephant ivory." *Convention on International Trade in Endangered Species of Wild Fauna and Flora*. Accessed on November 14, 2021 at <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-57-02.pdf>.

¹⁹⁵ Environmental Investigation Agency. 2018. Op Cit. P-27

¹⁹⁶ Kaaria, Joycelyn Makena. 2021. *State and non-non state actor collaboration in environmental governance under Kenya Vision 2030: A case study of Kenya Wildlife Service*. Masters Thesis, Unpublished.

into advocacy, capacity building and enforcement. NGOs increasingly play a significant role in combating wildlife crime. They can improve collaboration and cooperation between government authorities, IGOs, NGOs and communities at all levels.

According to the European Union, NGOs have been integral in investigation and prosecution of wildlife crimes and facilitation of training on transnational wildlife crime and they have been effective in overcoming barriers to effective inter-agency cooperation.¹⁹⁷ This argument is also supported by Gore who notes that embedding the support of non-profit organizations to the local law enforcement community can assist in availing funds and technical expertise to law enforcement agencies.¹⁹⁸ The support provided by EAGLE Enforcement in West and Central Africa in addressing wildlife crime and the support provided by the Natural Conservation Resource Network to prosecute wildlife crime in Uganda are cited as good examples.¹⁹⁹ This adds to the Namibian Task Force which include a local non-profit organization.

According to Friedman, NGOs contributed to increased number of wildlife crime cases taken to court in Kenya.²⁰⁰ Wildlife Direct was involved in monitoring of wildlife crime cases in court as well as AWF which ran a court monitoring program in Tsavo. AWF and other conservation NGOs have facilitated community and cross border wildlife protection

¹⁹⁷Smith, Lucy Olivia, and Katharina Klaas. 2015. *NGOs and Networks Relevant to Fighting Environmental Crime*. Study in the framework of the Efface research project, Berlin: Ecological Institute.

¹⁹⁸Gore, Amanda. 2021. *Tracking bloody money: Financial investigations into wildlife crime in East Africa*. Political Economy Analysis, Geneva: Global Initiative Against Transnational Organized Crime. P-35

¹⁹⁹Ibid

²⁰⁰Friedman, Lauren R. 2018. *Advancements in the Prosecution of Wildlife Crimes: What can we learn from the Kenyan Experience?* Unpublished Masters Thesis, Nairobi: United States International University – Africa.

efforts by working with KWS to curb wildlife crime.²⁰¹ AWF undertook capacity building of KWS prosecution and investigation units through training and equipment purchase. It also enhanced the KWS Canine Detection Unit with additional dogs and training. The KWS Canine Unit was instrumental in countering wildlife trafficking particularly rhino horns, elephant ivory and pangolin scales at airports and seaports thus obstructing the trafficking process.²⁰² NGOs such as Space for Giants and AWF assist in case monitoring and awareness creation among stakeholders. AWF and IFAW partnered in implementing two projects aimed at countering wildlife trafficking and enhancing security of evidence between 2018 and 2021. The collaborative efforts availed equipment to KWS in 2021 to enhance the fight against transnational wildlife crime.²⁰³

3.9 Anti-Corruption Initiatives

Corruption is widely acknowledged as playing a critical enabling factor in transnational wildlife crime. Transparency International states that corruption facilitates poaching, enables illicit wildlife trafficking.²⁰⁴ Weak enforcement and lucrative nature of wildlife trafficking make it a high value low risk crime. For instance the WWF estimated that the US\$60,000 per kilo price of rhino horn was approximately twice that of gold but the penalties were very weak.²⁰⁵ Therefore increased emphasis on corruption issues within the wildlife crime supply chain is recommended as an alternative approach to combating

²⁰¹ United Nations. Fighting Wildlife Trade in Kenya. Accessed on 10/02/2022 at <https://www.un.org/en/chronicle/article/fighting-wildlife-trade-kenya>

²⁰² Ibid

²⁰³ Kenya Wildlife Service. 2021. *KWS Receives Donations From Partners To Fight Wildlife Crime*. May 19. Accessed November 15, 2021. <http://www.kws.go.ke/content/kws-receives-donations-partners-fight-wildlife-crime>.

²⁰⁴ Martini, Maira. 2013. *Transparency International - Wildlife crime and corruption*. February 15. Accessed November 16, 2021.

https://www.transparency.org/files/content/corruptionqas/367_Wildlife_Crimes_and_Corruption.pdf.

²⁰⁵ Ibid

transnational crime. The multi-agency approach is in itself designed to discourage corruption within the participating units as the diversity of the multi-agency teams is deemed to dissuade corrupt activities. The participation of anti-corruption authorities in the multi-agency initiatives countering transnational wildlife crime is a key indicator of prioritization of corruption prevention.

The adoption of joint investigative teams, training of judicial officers, law enforcement and prosecution officers on wildlife crime, CITES, integrity and identification of wildlife specimens, establishing specialized investigation and prosecution units, establishment of whistle-blower policy and code of conduct have been identified as anti-corruption instruments that can support the fight against wildlife crime.²⁰⁶ Respondents in this study were in agreement that there has been increased anti-corruption efforts in countering wildlife crime in Kenya. The involvement of public officers in wildlife crime was flagged by the multi-agency team on investigation and prosecution of wildlife crimes as requiring immediate reporting to the ODPP and immediate takeover of prosecution of such cases. Additionally KWS developed “a corruption prevention policy and code of conduct” for its officers which were officially launched in 2019.²⁰⁷ Further, the KWS management in partnership with UNODC conducted “a survey on perceptions and experiences of corruption by staff in 2018” and the findings revealed that over 50% of the respondents expressed confidence in the anti-corruption initiatives of the Service.²⁰⁸ It was appreciated

²⁰⁶ Ibid

²⁰⁷ Kenya Wildlife Service. 2019. *KWS LAUNCHES CORRUPTION PREVENTION POLICY AND CODE OF CONDUCT*. <http://www.kws.go.ke/content/kws-launches-corruption-prevention-policy-and-code-conduct> Accessed on 04/06/2022

²⁰⁸ Kenya Wildlife Service. 2019. *KWS marks 2019 international anti-corruption day in style*. December 9. Accessed November 16, 2021. <http://www.kws.go.ke/content/kws-marks-2019-international-anti-corruption-day-style>.

that the institution's fight against corruption was one of the key measures to address transnational wildlife crime.

Many trainings and awareness raising activities conducted for government agencies participating in countering wildlife crimes included some content on corruption. According to IFAW, UNODC and LATF the training undertaken for multi-agency law enforcement officers working at the entry and exit points included topics on corruption delivered by officials from Ethics and Anti-Corruption Commission (EACC) and UNODC. There is ongoing process to establish a whistle blowing system in KWS so that members of public and other interested parties can report real or suspected cases of corruption in wildlife crime cases. Kenya's anti-corruption initiatives in combating ivory trafficking received varied scores in 2018. There was improved perception of corruption while convictions for related corruption had made no progress.²⁰⁹

3.10 Collaboration with Communities

The need to engage and invest in communities as key partners in tackling wildlife poaching and trafficking is widely recognized by practitioners and policy makers but remains less utilized compared to other strategies such as law enforcement and demand reduction.²¹⁰

Communities form the first line of defense and their role in combating wildlife crime in Kenya is very important considering that over 65% of wildlife is found outside of the government managed parks and reserves. Communities manage 89% of the over 160

²⁰⁹Environmental Investigation Agency. 2018. Op Cit. P-27

²¹⁰Niskanen, L., Roe, D., Rowe, W., Dublin, H. and Skinner D. (2018) Strengthening local community engagement in combating illegal wildlife trade - Case studies from Kenya. Nairobi, Kenya: IUCN.

conservancies found in Kenya and which are protected by conservancy rangers.²¹¹ There are over 2900 conservancy rangers in Kenya and half of them have been trained through collaborative efforts between KWS, conservancies and other partners.²¹²

KWS and conservancy rangers have also been undertaking joint patrols and wildlife security operations which have resulted in enhanced protection of wildlife in many areas. KWS officers have also participated in training the conservancy rangers on law enforcement skills such as scene of crime management, chain of custody of exhibits and human rights. The role of community engagement in reducing wildlife crime was appreciated by KWS in the 2019 report on state of security report. KWS engagement with communities won the support of the locals in enhancing wildlife security especially in Laikipia and Samburu counties. As a result elephant poaching and retaliatory killings greatly reduced and the community shared information with KWS. The collaborative efforts between KWS and community conservancies was in 2018 cited as one of the reasons why poaching was declining in Kenya.²¹³

Similar findings made by Weru established that the proportion of illegally killed elephants in Kenya had dropped since 2012 primarily due to enhanced community involvement in wildlife conservancies.²¹⁴ However Niskanen et al posit that although poaching may have been contained and therefore not a current pressing challenge in conservancies, persistent

²¹¹ Ibid – p7

²¹² KWCA. (2018) First community conservancy rangers to benefit from new KWS revised curriculum graduate. Accessed on 10/02/2022 at <https://kwcakenya.com/first-community-conservancy-rangers-to-benefit-from-new-kws-revised-curriculum-graduate/>

²¹³ Ibid

²¹⁴ Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya.* TRAFFIC, Cambridge.

human wildlife conflicts and weak response is leading to increased resentment and resulting in retaliation on killing of elephants and other wildlife in some parts such as Kilitome, in Kajiado County.²¹⁵ These points to a need for a holistic community partnership in addressing wildlife conservation challenges.

²¹⁵Niskanen, L., Roe, D., Rowe, W., Dublin, H. and Skinner D. (2018) Strengthening local community engagement in combating illegal wildlife trade - Case studies from Kenya. Nairobi, Kenya: IUCN.

CHAPTER FOUR: CHALLENGES FACING THE MULTI-AGENCY COLLABORATION IN COUNTERING TRANSNATIONAL WILDLIFE CRIME IN KENYA

4.1 Introduction

This chapter discusses the challenges facing the multi-agency approach in countering transnational wildlife crime in Kenya. In the previous chapter, it was established that the multi-agency approach was generally successful in countering transnational wildlife crime in Kenya. Many governments and non-state actors are increasingly adopting and strengthening the model in countering transnational wildlife crime across the globe. Despite its widespread adoption and the promising future in countering transnational wildlife, the approach faces a number of challenges. Sambu notes that although multi-agency approach has increasingly taken shape in Kenya it has faced challenges which fundamentally originate from power relations, working philosophies, networks, mandates, ethos as well as standard operating procedures.²¹⁶

On his part, Wasike established that limited awareness, lack of cooperation and commitment from states, inadequate estimation of a problem and poor law enforcement in the source countries were the challenges hindering effective multi-agency efforts in countering human trafficking in Kenya.²¹⁷ Most of these challenges were also found in a study on multi-agency working in the United Kingdom by Atkinson et al.²¹⁸ The specific

²¹⁶Sambu, John Kipkirui. 2021. *The role of multi-agency collaboration in countering violent extremism and terrorism in Africa: The case of Kenya*. Masters Thesis, Nairobi: University of Nairobi.

²¹⁷Wasike, Robert. 2021. *An assessment of the multiagency approach in combating human trafficking in eastern Africa: A case of Kenya*. Masters Thesis, Nairobi: Unpublished.

²¹⁸Atkinson, Mary, Anne Wilkin, Alison Stott, Paul Doherty, and Kay Kinder. 2001. *Multi-agency working: a detailed study*. Research Report, London: National Foundation for Educational Research.

challenges facing multi-agency teams countering transnational wildlife crime in Kenya are discussed below.

4.2 Challenges Facing Multi-Agency Approach in Countering Transnational Wildlife Crime in Kenya

The Respondents were asked to point out the challenges facing Multi-agency approach in countering transnational wildlife crime in Kenya. The findings are presented in Table 4.1.

Table 4.1 Challenges Facing Multi-agency Approach in Countering Transnational Wildlife Crime in Kenya

Statement	Frequency	Percent
Inadequate funding and resources	138	77.1
Corruption	126	70.4
Differences in knowledge, roles and responsibilities	114	63.7
Conflicting and incompatible agency cultures	112	62.6
Inadequate Multi-agency collaboration and cooperation	111	62
Wide areas of coverage	104	58.1
Inadequate information sharing	98	54.7
Lack of clear structures (SOPs, laws, guidelines) for collaboration	97	54.2
Dynamism of wildlife crimes	93	52
Imbalanced level (seniority and number) of agency representation	89	49.7
Inadequate collaboration with neighboring and other countries	61	34.1
Other challenges	9	5

Source: Filed Research (2022)

Most of the participants representing 77.1% asserted that the key challenge was inadequate funding and resources, while 70.4% indicated corruption, and 63.7% noted that differences in knowledge, roles and responsibilities was the main challenge. About 62% indicated that the main challenge was conflicting and incompatible agency cultures; wide areas of

coverage (58.1%); inadequate information sharing (54.7%); lack of clear structures (SOPs, laws, guidelines) for collaboration (52%); imbalanced level (seniority and number) of agency representation (49.7%); inadequate collaboration with neighboring and other countries (34.1%) ; and 5% cited other challenges.

4.2.1 Inadequate Funding and Resourcing

This challenge was cited by the highest proportion (77.1%) of respondents. Underfunding and under-staffing have been widely cited as common challenges facing multi-agency initiatives targeted at wildlife crimes.²¹⁹ Akella and Allan posit that inadequacy of budgets, personnel and equipment are persistent resource related challenges that undermine efforts to make enforcement effective across sites, countries and agencies.²²⁰ Each agency is expected to self-fund costs of the multi-agency initiative.

Many respondents singled out key inadequate resources which include scanners at the border posts, vehicles for out of post patrols, inadequate staffing and office equipment. The inadequacy of resources was uneven across agencies. The Department of Immigration Services (DIS) has no vehicle at the border posts while the KWS are using motor cycles to cover vast areas. On funding, there was perception that funds for wildlife crime operations should be shared while the funds provided to non-wildlife agencies did not factor wildlife crime operations. The issue of sustainability particularly for those multi-agency initiatives funded by donors was questioned. A classic example was the Joint Port Control Unit which

²¹⁹ UNODC. 2019. Challenges for Law Enforcement. Accessed on 10/02/2022 at <https://www.unodc.org/e4j/en/wildlife-crime/module-3/key-issues/challenges-for-law-enforcement.html>

²²⁰Sundari Akella, Anita and Crawford Allan. *Dismantling Wildlife Crime: Executive Summary* (WWF & TRAFFIC, 2012)

was being funded by UNODC. There were doubts over its continuation when the MoU lapses. There was no commitment from the participating agencies on continuity plans. The challenge of inadequate resource has been established in other African counties as confirmed by an assessment by the Environmental Investigation Agency (EIA) which established that multi-agency mechanisms in South Africa and Malawi faced the challenge of inadequacy of resources which hindered them from making significant impact on countering wildlife crime.²²¹

4.2.2 Corruption

Existing literature point to irrefutable evidence that transnational wildlife crime thrives on corruption although little is known about how it occurs.²²² This was corroborated by 70.4% of the respondents who identified it as a challenge facing the multi-agency efforts and thus making it the second most significant challenge. The clandestine nature of corruption and wildlife trafficking make it difficult to empirically ascertain the actual occurrence of corrupt activities. According to the UNODC, varying levels of corruption facilitate transnational wildlife crime from source through transit to destination countries.²²³ A number of studies have given insight into the corruption factor in the transnational wildlife crime chain. Weru posits that illegal wildlife trade has thrived at border posts, airports and Kilindini Port in Mombasa due to corruption among government officers and security lapses. He further notes that corruption in government and the transport sector present

²²¹Environmental Investigation Agency. 2016. Op Cit

²²²UNODC. 2017. *Addressing Corruption and Wildlife Crime*. Background paper for G20 Anti-Corruption Group Meeting, Berlin: UNODC.

²²³UNODC. 2017. *Corruption and Wildlife crime*. Leaflet, Vienna: UNODC.

significant challenges to efforts to combat transnational wildlife trafficking unless concerted and coordinated local and international multi-agency approach is adopted.²²⁴

In proposing multi-agency approach, Weru implies that it reduces corruption. Additional findings of corruption as a challenge are presented by the Royal United Services Institute (RUSI) which notes that in addition to being an enabler and facilitator of transnational wildlife crime, corruption has presented major obstacles in combating the lucrative transnational crime.²²⁵ The tentacles of corruption have been found to fund poaching. A study on factors that led to increased poaching in Kenya found that rampant corruption and poverty were the key factors that hindered effective multi-agency strategies.²²⁶

International seizures of wildlife contraband such as ivory and rhino horns originating from or transiting through Kenya have been cited as a pointer to corruptly induced exploitation of the country's law enforcement network by wildlife traffickers. Weru points out the case of prosecution of a Mombasa based customs officer and a transporter in April 2015 in connection to 511 pieces of elephant tusks seized in Thailand on 27th April 2015 as evidence of the corruption factor. A Mombasa based magistrate was suspended in 2015 due to corruption allegations in prosecution of a case involving an ivory kingpin.²²⁷ Corruption was frequently cited as a challenge in the multi-agency initiative in eliminating wildlife crime in Kenya by participants in the 9th national judicial dialogue on wildlife and environmental crimes held at Amboseli National Park in December 2019. Similarly

²²⁴Weru, Sam. 2016. *Wildlife Protection and Trafficking Assessment in Kenya: Drivers and Trends of Transitional Wildlife Crime in Kenya.* TRAFFIC, Cambridge. p-36

²²⁵RUSI. n.d. *Corruption as an Enabler of Wildlife Trafficking.* Accessed January 11, 2022. <https://rusi.org/explore-our-research/projects/corruption-as-an-enabler-of-wildlife-trafficking>.

²²⁶Karanja David Wang'ombe. Op Cit

²²⁷ Ibid

corruption among officials at the port of Mombasa was highlighted as a challenge during an inter-agency workshop held in Mombasa in February 2020.²²⁸

It is therefore evident that corruption remains a key challenge despite the efforts of the multi-agency initiatives in countering transnational wildlife crime. These findings mirror those made in South East Asia (Thailand, Singapore, Indonesia and Viet Nam) where corruption was found to be a key facilitator of illegal wildlife trade and national border crossings being flagged as hotspots.²²⁹ It was also established that only half of the studied countries had included anti-corruption authorities in their multi-agency frameworks for countering illegal wildlife trade.

Although the anti-corruption agencies are involved in the multi-agency initiative in Kenya, less than half of the respondents in this study singled out the national anti-corruption authority, EACC and UNODC as agencies participating in the multi-agency efforts to counter transnational wildlife crime. The challenge posed by corruption is summed up by Martini's assertion that it is one of the most critical enabling factors for illegal wildlife trade all the way from facilitating poaching and transactions in source, transit and consumer countries and, providing resilience to organized criminal groups involved in such crimes.²³⁰

²²⁸TRAFFIC. 2020. *Countering Wildlife Trafficking in Kenya's seaports*. Workshop proceedings, Cambridge, United Kingdom: TRAFFIC International. P-10

²²⁹ OECD. *The Illegal Wildlife Trade in Southeast Asia: Institutional Capacities in Indonesia, Singapore, Thailand and Viet Nam*. OECD Publishing, Paris, 2019. Accessed on 10/08/2021 at <https://doi.org/10.1787/14fe3297-en>.

²³⁰Martini, Maira. 2013. *Transparency International - Wildlife crime and corruption*. February 15. Accessed November 16, 2021. https://www.transparency.org/files/content/corruptionqas/367_Wildlife_Crimes_and_Corruption.pdf.

4.2.3 Differences in Knowledge, Roles and Responsibilities

This challenge emerged as the third most frequent having been cited by 63.7% of the respondents. Wildlife crime is not considered a serious crime in many jurisdictions.²³¹ However, Kenya is an exception to this since wildlife crime is currently described as a serious crime punishable by penalties of up to Ksh 20 million in fines or life imprisonment by the Wildlife Conservation and Management Act which was operationalized in 2014.²³² However despite overcoming this challenge, agencies have different priorities and responsibilities as they pursue their mandates. There also exist differences in power and influence with some agencies ‘setting the agenda’ much more readily than others. Inter-agency rivalries and perceived hierarchies dissuade other agencies with mandate or capabilities to counter wildlife crime from working together. According to Akella and Allan this challenge compromises the participating agencies’ own efficiency and effectiveness since they miss the opportunity to leverage on the relative technical, jurisdictional and informational advantages of each agency.²³³

Differences are further manifested in professional and training backgrounds, which although may turn out to be a strength can lead to misunderstandings and at worst professional rivalries.²³⁴ The main challenge revolves around training on skills required to counter transnational wildlife crime. According to UNODC, “general law enforcement

²³¹ UNODC. 2019. Challenges for Law Enforcement. Accessed on 10/02/2022 at <https://www.unodc.org/e4j/en/wildlife-crime/module-3/key-issues/challenges-for-law-enforcement.html>

²³² Republic of Kenya. 2013. *The Wildlife Conservation and Management Act, 2013*. Nairobi: Government Printer. P-1303

²³³ Akella, Anita Sundari, and Allan, Crawford. 2012. *Dismantling Wildlife Crime: Executive Summary*. WWF/Traffic, Washington DC.

²³⁴ Canton, Rob. 2016. *Inter-agency cooperation: How can it best enhance compliance with the law?* Resource Material Series No. 99, Leicester: UNAFEI.

authorities often lack experience and competence in dealing with wildlife trafficking.”²³⁵ For specialized agencies poorly trained staff is the main challenge. This challenge generally manifests itself through lack of capacity by law enforcement agencies to discharge their responsibilities. This creates opportunity for criminals to operate with relative impunity.

The main issues around knowledge, roles and skills fall into three main areas; knowledge and skills to detect wildlife trafficking, understanding and appreciating the mandates of other agencies, and knowledge of legislation governing wildlife trafficking. The lack of knowledge on identification of wildlife trafficking is compounded by the challenge of ever-changing smuggling methods. It has been established that organized criminal networks blend illegal consignments with legitimate goods. New concealments are invented to cope with law enforcement detections. Concealment methods previously used in Kenya include hiding inside wooden beams, concealing ivory in plastic waste, beans and decorative stones. It has also been established that the organizational nature of transnational wildlife trafficking is a low risk high reward business which exploits existing tactics, routes and networks developed for trafficking drugs, arms and humans.²³⁶

4.2.4 Conflicting and Incompatible Agency Cultures

Agency culture is defined as “those things held in common, the values, customs and accomplishments that underpin and inform the practices of an agency.”²³⁷ In crime prevention, agencies may share a common concern on such issues as reduction of wildlife

²³⁵ UNODC. 2019. Challenges for Law Enforcement. Accessed on 10/02/2022 at <https://www.unodc.org/e4j/en/wildlife-crime/module-3/key-issues/challenges-for-law-enforcement.html>

²³⁶ Clarke A.J. and Babic Adriana. 2016. “Wildlife trafficking trends in sub-Saharan Africa”, in OECD, *Illicit Trade: Converging Criminal Networks*. OECD Publishing, Paris. P-58.

²³⁷ Atkinson, Mary, Anne Wilkin, Alison Stott, Paul Doherty, and Kay Kinder. 2001. *Multi-agency working: a detailed study*. Research Report, London: National Foundation for Educational Research.

crime but the issue may not be the only or primary concern. Although environmental crimes require multi-agency response, the relevant agencies concerned may have contrasting primary objectives, have different funding and organizational structures and embrace different professional values. Locke *et al* points to a tendency of some agencies or groups to take firmly held presuppositions about a crime to a multi-agency team. This leads to a sectarian view of crime.²³⁸

The customs will for instance view illegal wildlife trade as being a spillover of run-away poaching, wildlife authorities will point at human greed and the police will blame globalization. Such organizational and cultural differences present challenges to multi-agency teams. Locke *et al* advises on the need to anticipate and understand potential conflicts of interest, role and culture before endeavoring to establish any effective multi-agency initiative.²³⁹ This challenge is exacerbated when agencies take a sectarian approach in the collaborative efforts. The USAID has singled out Nigeria which is currently a hotspot for transnational wildlife trafficking. The country has a wildlife legislation that provide a good foundation for strong law enforcement but lack of leadership to foster stronger inter-agency and international cooperation has watered down the utility of the law.²⁴⁰

It is not uncommon for agencies to adopt policies and procedures that are in conflict. Multi-agency approach also presents some degree of shift from the status quo. It implies a departure from routines in terms of resource sharing, reporting lines and work undertaken.

²³⁸ Locke Trevor, Shaftoe Henry and Johnson Trev. 2004. *“The challenge of achieving successful collaborative interventions – multi-agency co-operation in community safety and other wicked issues.”* Joint Copyright Safe Neighbourhoods Unit and the University of the West of England, Bristol.

²³⁹ Ibid

²⁴⁰ USAID. Issues Brief: Nigeria - Combating Wildlife Trafficking. Accessed on 10//02/2022 at https://pdf.usaid.gov/pdf_docs/PA00WJN8.pdf

We also live in an era of competition for business at the entry and exit points of a country. This may present a conflict of priorities between law enforcement and customer care units. Law enforcement units may prefer security matters over customer care issues. Business firms may perceive checks and inspections by the multi-agency teams as part of red tape in business process while the agencies may see them as necessary for national security.

Generally, high competition puts African ports under pressure to achieve and maintain efficiency that leads to reduced turnaround times. This however compromises law enforcement oversight processes.²⁴¹ When illegal wildlife trafficking was shifted to the Port of Mombasa, there was less scrutiny of export cargo. There is also a tendency to put more attention on imports than exports since the former generates more revenue for the government. This increases the vulnerability of African ports to wildlife smuggling. Interpol notes that this is a major concern since a significant proportion of goods from Africa constitute illegally exported wildlife and natural resources.²⁴² When agencies devote their resources to imports at the expense of exports it implies that contrabands hidden in exports stand lower chances of being intercepted. Respondents from KWS indicated that it took time to convince other agencies on the urgency to consider wildlife smuggling as a serious crime and pay more attention on exports.

Another agency culture that affects multi-agency approach is the adherence to set standard operating procedures relating to processing of cargo and passengers. A number of

²⁴¹INTERPOL. 2020. *Illicit goods trafficking via port and airport facilities in Africa*. Unclassified, Lyon: INTERPOL General Secretariat

²⁴²TRAFFIC-UNDOC Workshop on wildlife trafficking via Tanzania's ports, 2-4 July 2019, Dar es Salaam, Tanzania. Accessed on 12/01/2022 at <https://www.traffic.org/publications/reports/countering-wildlife-trafficking-through-tanzanias-ports-workshop-proceedings/>.

respondents reported that at the height of ivory trafficking most of the consignments were not subjected to the full screening processes. Some key steps such as verification, scanning and custom clearance were omitted. Further, different agencies exercised varied degrees of disciplinary actions for staff who breached the laid down procedures leading to illegal shipments. This created an environment of high tolerance of breach of procedures making commissioning of wildlife crime a low risk for port workers. It also breeds impunity.

4.2.5 Inadequate Multi-Agency Collaboration and Cooperation

Accepting the desirability for multi-agency approach is one thing but establishing an effective collaborative mechanism is quite another. In theory collaboration in crime prevention is expected to be a straightforward undertaking. This is mostly based on the assumption that crime prevention personnel are rational. However, Nocon argues that crime prevention collaborative process is often characterized by some degree of ignorance. Agencies may elect to collaborate due to attractions and inducements that are based more on form than content.²⁴³ Collaboration may be undertaken to fulfill a directive. 45% of respondents in this study stated that their organizations were participating in the multi-agency efforts to counter transnational wildlife because it was a government directive to do so.

Wildlife crime is a multi-jurisdictional crime that impacts various mandates and laws. Some agencies emphasize collaboration and multi-agency approach in their policy documents and are therefore likely to devote resources to actualize it. The challenge lies in

²⁴³Nocon, Andrew. 1989. "Forms of ignorance and their role in the joint planning process." *Social Policy Administration* 23 31-47.

those that may choose not to devote resources towards the multi-agency efforts. The multi-agency approach is well articulated in policies within the wildlife sector. As Sundari and Crawford posit, although coordination and cooperation at national and international levels are key factors in combating transnational wildlife crime, “individual officials and some enforcement agencies are unable and unwilling to collaborate with others, share relevant information, share available resources or cooperate across borders.”²⁴⁴

Unlike other types of transnational crimes which may fall within the mandate of one specific agency, wildlife crime often straddles the mandate of different agencies such as KRA, Police, Corruption, Asset Recovery and specialized laboratories among others. This is pronounced at the entry and exit points where many agencies exercise varied jurisdictions. Additionally a number of legislation are applied in combating wildlife crimes. Financial investigations for instance provide for specific officers such as the police and customs to investigate financial accounts. It therefore imply that wildlife officers cannot comprehensively and conclusively investigate wildlife crime cases that demand more than the provisions of the wildlife law. This brings forth the value of sharing skills and expertise within a multi-agency unit.

The United Nations has established that custom administrations in Africa suffer from myriad of challenges including lack of cooperation.²⁴⁵ Lack of adequate multi-agency collaboration has been also found to be a major challenge in countering terrorism and

²⁴⁴Sundari Akella, Anita and Crawford Allan. *Dismantling Wildlife Crime: Executive Summary* (WWF & TRAFFIC, 2012)

²⁴⁵United Nations. n.d. *Building Worldwide Expertise to Detect and Seize Illegally Traded Wildlife*. Accessed January 10, 2022. <https://www.un.org/en/chronicle/article/building-worldwide-expertise-detect-and-seize-illegally-traded-wildlife>.

corruption in Kenya.²⁴⁶ The 2020 UNODC report states that many countries often cite inter-agency coordination and international cooperation as vital but often missing in their efforts to combat transnational wildlife crime.²⁴⁷ In contrast, the study in Southeast Asia found that coordination and collaboration among actors in Indonesia, Singapore, Thailand and Viet Nam was largely successful in fighting transnational wildlife crime in most of the countries.²⁴⁸ On the African continent, the functioning of South Africa's National Wildlife Crime Reaction Unit (NWCRU) was negatively affected by several challenges which include lack of resources and cooperation from provincial authorities and police.²⁴⁹

4.2.6 Inadequate Information Sharing

This challenge was cited by 54.7% of the respondents. Information sharing plays a critical role in combating transnational organized crimes. The fact that part of the law enforcement process is undertaken at the tail end when people and goods are exiting the country serve to enhance the value of timely and credible information. Information sharing is key among law enforcement agencies in the 21st century. This is due to the security threats posed by factors such as globalization, advancement of technology among others which calls for enhanced multi-agency cooperation. Sambu confirms that information sharing among agencies in Kenya continue to be a challenge for multi-agency teams.²⁵⁰ This is reinforced by Plecas *et al* who state that “information sharing between law enforcement agencies

²⁴⁶Sambu, John Kipkirui. 2021. *The role of multi-agency collaboration in countering violent extremism and terrorism in Africa: The case of Kenya*. Masters Thesis, Nairobi: University of Nairobi.

²⁴⁷UNODC. 2020. *World Wildlife Crime Report 2020: Trafficking in Protected Species*. Annual Wildlife Crime Report, New York: United Nations.

²⁴⁸ OECD. *The Illegal Wildlife Trade in Southeast Asia: Institutional Capacities in Indonesia, Singapore, Thailand and Viet Nam*. OECD Publishing, Paris, 2019. Accessed on 10/08/2021 at <https://doi.org/10.1787/14fe3297-en>.

²⁴⁹ Ibid

²⁵⁰Sambu, John Kipkirui. 2021. *The role of multi-agency collaboration in countering violent extremism and terrorism in Africa: The case of Kenya*. Masters Thesis, Nairobi: University of Nairobi.

continue to be limited both in terms of ability to share and the willingness of those involved to adequately share.”²⁵¹ Sharing of information is limited by inter-agency competition, organizational culture, privacy and legality concerns and technological limitations. The value attached to information by the various agencies is a fundamental and persistent challenge to multi-agency initiative in Kenya.²⁵²

Information sharing was found to be a key challenge in Kenya in 2015 partly due to low capacity of other law enforcement agencies for instance the Customs, Police and revenue units to detect and track wildlife contraband. It was thus recommended that a mechanism be created for information sharing by agencies involved in countering wildlife crime.²⁵³ Although there has been improved information sharing as discussed in chapter three, challenges still abound. TRAFFIC notes that lack of information sharing on illegal wildlife trade in Kenya continues to be a challenge mainly due to lack of trust as opposed to capacity.²⁵⁴ It is was specifically singled out as a weakness in the midst of a relatively strong multi-agency co-operation in combating illegal wildlife trade in Kenya by participants in a workshop on countering wildlife trafficking through Kenya’s seaports.²⁵⁵ KRA’s failure to share scan images of exports at the port Mombasa was singled out as a classic example. On the other hand, the level of information sharing between Kenya’s Port Control Unit (PCU) and counterparts in Africa and Asia was rated as effective. This points

²⁵¹Plecas Darry, McCormick Amanda V., Levice Jason, Neal Patrick and Cohan Irwin M. Evidence based solution to information sharing between law enforcement agencies. *Policing* (2011) 34(1), 120-134

²⁵²Muriithi, Muiga James. 2019. *The role of state inter-agency coordination in countering terrorism in Africa: a case study of Kenya*. Masters Thesis, Nairobi: University of Nairobi.

²⁵³Weru Sam. 2016. Op.Cit

²⁵⁴TRAFFIC. 2020. *Countering Wildlife Trafficking in Kenya's seaports*. Workshop proceedings, Cambridge, United Kingdom: TRAFFIC International.

²⁵⁵ Ibid

to a scenario where information sharing among Kenyan agencies countering transnational wildlife crime is wanting while being effective for entities outside the country's borders.

Other challenges on information sharing include lack of a proper mechanism for information exchange particularly at the Border Management Committee (BMC) and lack of information sharing mechanism between the private sector stakeholders and law enforcement officials.²⁵⁶ These challenges serve to obstruct the effective participation of the private sector in wildlife crime prevention and control initiatives. Inadequate cross border information sharing has been identified as a challenge often playing out of lack of trust and confidence within and between countries enforcement agencies. Information regarding the investigation of wildlife crimes across borders is often held by a number of government agencies and the challenge may be identifying the lead agency.²⁵⁷ This challenge has also been identified in the Southern African Development Community (SADC).²⁵⁸

4.2.7 Other challenges

These were cited by 5% of the respondents. A balance of seniority in agency representation is rarely uniform across agencies. Some agencies are represented by senior officers while others send junior representatives. Liddle, Gelsthorpe and Loraine warn against an imbalance of seniority since it can result to tensions within a multi-agency team.²⁵⁹

²⁵⁶ Ibid

²⁵⁷Gore, Amanda. 2021. *Tracking bloody money: Financial investigations into wildlife crime in East Africa*. Political Economy Analysis, Geneva: Global Initiative Against Transnational Organized Crime.

²⁵⁸SADC. 2015. *Southern African Development Community Law Enforcement and Anti-poaching Strategy 2016-2021*. SADC Strategy, Johannesburg: SADC.

²⁵⁹ Liddle, A. Mark, and Loraine R. Gelsthorpe. 1994. *Crime Prevention and Inter-Agency Co-operation*. Crime Prevention Series: Paper No.53, London: Police Research Group.

Deployment of junior representatives can be interpreted to signify that agencies sending junior representation do not regard multi-agency work as important enough to require senior representation. Such a perception can lead to reluctance to participate in a multi-agency initiative.²⁶⁰ The challenge arising from differentiated seniority of multi-agency members is reiterated by Locke, Shaftoe and Johnson in their study on challenges of achieving successful multi-agency collaboration in the United Kingdom.²⁶¹ Additionally seniority can be a challenge from the perspective of the agencies themselves. Some agencies can view themselves as being the most senior in the team leading to differences in power, status and attitudes.

Lack of clear structures for collaboration is another challenge that continue to confront multi-agency efforts. Poorly organized initiatives or those whose structures for its planning or delivery is poorly established has been singled out as a key factor for multi-agency failure.²⁶² The importance attached to structure is captured in a UK (Morgan) report which state that a crime prevention strategy that is not well conceived, planned and organized increases opportunity and potential for conflict of interests and misunderstanding among partner agencies.²⁶³ The importance of structured collaboration has been demonstrated in South Africa where effective inter-agency collaboration has been achieved in KwaZulu-Natal through detailed Standard Operating Procedures (SOPs) which guide agencies

²⁶⁰ Ibid

²⁶¹ Locke Trevor, Shaftoe Henry and Johnson Trev. 2004. *“The challenge of achieving successful collaborative interventions – multi-agency co-operation in community safety and other wicked issues.”* Joint Copyright Safe Neighbourhoods Unit and the University of the West of England, Bristol.

²⁶² Ibid

²⁶³ Ibid

collaborating in law enforcement operations.²⁶⁴ Existence of structures for inter-agency collaboration formalizes the approach in addition to providing clear division of roles and responsibilities for the agencies involved.

In some instances power conflict is actually a manifestation of weak structures. Effectual inter-agency relations need structures to strengthen them which also requires commitment from the actors involved. A high degree of commitment and ownership among participating agencies and groups is required to create and sustain requisite structures for effectual multi-agency teams. Although multi-agency is desirably adopted, it has not been entrenched in most of the legislation guiding participating agencies. Apart from the MoU and the acts, there are no standard operating procedures to guide the multi-agency teams. Sambu established that the failure to entrench multi-agency approach in legislation and put in place standard operating procedures especially at border posts demonstrated lack of appropriate guiding structures.²⁶⁵ This is corroborated by the low proportion (24%) of the respondents who stated that the multi-agency approach was guided by SOPs in their organization (see Table 2.6).

The dynamism of transnational wildlife crime is another challenge facing multi-agency teams. Wildlife traffickers are known to adopt new routes, concealment methods and agents in order to avoid law enforcement. This presents a challenge to the frontline teams especially those with low level of preparedness. It is paramount to note that wildlife crime

²⁶⁴ Henson, David W., Malpas, Robert C. and D’Idine, Floris A.C. 2016. *Wildlife Law Enforcement in Sub-Saharan African Protected Areas – A Review of Best Practices*. Occasional Paper of the IUCN Species Survival Commission No. 58. Cambridge, UK and Gland, Switzerland: IUCN

²⁶⁵ Sambu, John Kipkirui. 2021. *The role of multi-agency collaboration in countering violent extremism and terrorism in Africa: The case of Kenya*. Masters Thesis, Nairobi: University of Nairobi.

does not happen uniformly across the country. As such some areas have high risks thus benefiting from investments in crime prevention and reduction than those considered to be at low risk. So when crime shifts to those hitherto considered low risk areas, they are less likely to detect the crime. The challenge of dynamism of transnational wildlife crime is compounded by its interlinkages to other organized crimes such as drug trafficking, counterfeiting and tax evasion.

According to Clarke and Babic the nexus between transnational wildlife crimes and other transnational organized crimes present a challenge when the organized criminals exploit routes and networks established for the other crimes.²⁶⁶ Although the nexus to other organized crimes is expected to reinvigorate multi-agency spirit, a challenge can arise when some crimes such as drugs trafficking, terrorism and counterfeiting are prioritized over others. Sellar has faulted the general tendency of overshadowing wildlife crimes by drugs trafficking and other crimes both in scale and urgency.²⁶⁷ This implies that multi-agency initiatives against transnational wildlife crime may be affected by the shifting priorities of a government or administration. Kenya has recently focused on corruption, tax evasion and terrorism but wildlife crime is still a priority.

Porous borders and extensive areas of coverage is a challenge for the teams based at the border posts. Some border posts have very wide areas of coverage which when combined with the challenges of resources and funding compound the effectiveness of patrols and surveillance. The inadequacy of law enforcement coverage is exploited by smugglers who

²⁶⁶ Clarke A.J. and Babic Adriana. 2016. "Wildlife trafficking trends in sub-Saharan Africa", in OECD, *Illicit Trade: Converging Criminal Networks*, P- 57-77. OECD Publishing, Paris.

²⁶⁷Sellar, John M. 2014. Op.Cit

opt to avoid the official border posts to avoid detection, arrest and seizure. Although multi-agency approach has enhanced collaboration at the international level, there are instances of inadequate international collaboration in the investigation and prosecution of transnational criminals. A case in point is a court case (number 1132 of 2015) in Mombasa which relates to 511 pieces of ivory seized in Thailand and in which 10 suspects have been charged in the Mombasa Law Court. Thailand has not yet provided the exhibits to be used for prosecution and the case is therefore pending.

Kenya's legislation on regulation of international wildlife is classified as category two by the CITES Secretariat. Category two parties are countries whose legislation generally meet one to three of the four standards for effectual execution of CITES.²⁶⁸ Category one parties have legislation that meets all the four requirements.²⁶⁹ Although Kenya's wildlife legislation has been credited for making significant contributions in the reduction of poaching and trafficking in wildlife, this CITES classification imply that it does not offer the most effective support to the treaty. The CITES website indicate that amendments of the Kenyan legislation to address concerns raised by the CITES Secretariat have been pending since January 2020. It should however be appreciated that the role and effectiveness of CITES in combating illegal wildlife trade and protecting endangered species has been found to be limited.²⁷⁰

²⁶⁸ CITES. Status of Legislative Progress for Implementing CITES. Accessed on 8/02/2022 at https://cites.org/eng/legislation/parties?field_category=2

²⁶⁹ USAID. Issues Brief: Nigeria - Combating Wildlife Trafficking. Accessed on 10/02/2022 at https://pdf.usaid.gov/pdf_docs/PA00WJN8.pdf

²⁷⁰ UNODC. 2020. CITES and the international trade in endangered species. Accessed on 8/02/2022 at <https://www.unodc.org/e4j/en/wildlife-crime/module-2/key-issues/cites-and-the-international-trade-in-endangered-species.html>

4.3 Ways of Addressing Challenges in Multi-agency Approach

Data from the questionnaires shows that there are various ways in which the challenges facing the effectiveness of multi-agency approach in dealing with transnational wildlife crime can be assuaged. There is need for establishing formal county forums for dealing with the challenge. There is also need for joint multi-agency training incorporating all participating agencies.²⁷¹ Furthermore, it is pertinent to enhance the participation of communities residing within wildlife conservation areas in all wildlife crime detection, management and prevention efforts.

Another strategy would be to deal with trafficking, enhance cooperation amongst organizations at the entry/exit points i.e. immigration, KAA, KPA, and land border points in screening luggage/goods being transported out of the country or those coming in. There should also be effort aimed at ensuring that there are clear channels of information sharing among those involved. Building trust in information sharing will complement measures aimed at addressing capacity to share information. The government should also put in place strategies aimed at enhancing funding to enable agencies to participate by rewarding the efforts of those who put more efforts as recommended by UNODC.²⁷² More donors should also be sought to assist with financing. Increment of financial resources directly to the Multi-agency team should be undertaken as a policy direction as opposed to the current arrangement where funding is done through each agency but however not mandatory.

²⁷¹United Nations. n.d.Op.Cit.

²⁷²UNODC. 2019. Op.Cit.

There should also be efforts to address corruption among those involved by creating awareness of the penalties for offenses committed as evidenced by Karanja.²⁷³ Close collaboration with anticorruption agencies could also suffice. Another plausible solution is holding people who are corrupt accountable for their actions.²⁷⁴ To do this, the respective agencies must ensure that their personnel are of high integrity through vetting. There should be sensitization on issues of corruption to a wider scope of stakeholders who have a mandate on countering transnational wildlife crime. There is also need to inculcate moral virtues among officers to reduce corruption. Furthermore, the multi-agency approach should be formalized since it is currently being undertaken informally. To this end, clear structures should be put in place to ensure that operations are done in a manner that is clearly defined. An overarching national policy and legislation would provide a framework within which all agencies in multi-agency initiatives can be rallied.

To deal with the issue of wide areas of coverage, the KWS and the Multi-agency teams should be enlarged taking cognizant of their areas of jurisdiction. There should also be proper motivation in terms of remuneration among the officials of the various agencies. There is also a need to inculcate the wildlife studies in early primary schools learning experience. All learning institutions should establish wildlife clubs. Enhancement of international cooperation should be undertaken with agencies in neighboring states, source market states and international wildlife protection agencies to counter transnational wildlife crime. Modern technologies should be adopted to enhance conservation efforts especially 24 hour animal tracking with technology. The government should use informal

²⁷³Karanja David Wang'ombe. Op.Cit.

²⁷⁴Martini, Maira. 2013. Op.Cit.

networks such as “Financial Investigation Unit (FIU) to FIU channels, police-police channels, asset recovery networks among other international information sharing.” The intelligence units should also cooperate closely in information sharing to identify targets and patterns of behavior.

Harmonization of laws between the various states is also recommended to reduce bureaucracy between countries as recommended by Liddle and Gelsthorpe.²⁷⁵ There is also need to create refresher courses for the staff involved. Balancing of seniority and number of agency engagement should also be fostered. This is line with the recommendation by the EIA on the need to have greater leadership in the fight against transnational wildlife crime.²⁷⁶ There should also be fair share of financial and technical resources for all those involved to enhance efficiency in operations. Another pertinent intervention is the development of common goals and objectives.

²⁷⁵ Ibid

²⁷⁶Environmental Investigation Agency. 2016. Op Cit

CHAPTER FIVE: SUMMARY OF THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter provides the summary of the findings, conclusions and the recommendations based on the study objectives. The general objective of the study was to examine the successfulness of multi-agency approach in countering transnational wildlife crime in Kenya. The specific objectives of the study entailed; “to examine the type of multi-agency approach for countering transnational wildlife crime in Kenya; to assess the diverse multi-agency strategies used in countering transnational wildlife crime in Kenya and to; analyze the challenges facing multi-agency collaboration in countering transnational wildlife crime in Kenya.” The study was guided by three hypotheses which postulated that; “the adoption of the multi-agency approach in countering transnational wildlife crime in Kenya is well-grounded and justified; the diverse multi-agency strategies adopted have enhanced the countering of transnational wildlife crime in Kenya; the countering of transnational wildlife crime in Kenya is negatively affected by the challenges facing the multi-agency approach.” Lastly, the research study provides recommendations which shall facilitate countering transnational wildlife crime through multi-agency approach in Africa.

5.2 Summary of the Study Findings

The study findings are summarized along the study objectives as outlined below.

5.2.1 The type of multi-agency approach for countering transnational wildlife crime in Kenya

According to the study findings based on the first objective, the multi-agency approach for countering transnational wildlife crime in Kenya is based on institutional framework structured on numerous laws and institutions. The Kenya Wildlife Service (KWS) is the government agency mandated to protect and manage wildlife resources in Kenya. It is mandated by the Wildlife Conservation and Management Act, 2013 to provide security to wildlife and undertake law enforcement activities. The importance of collaboration and coordination in securing wildlife resources in Kenya is further re-emphasized in the national wildlife policy document, Sessional Paper number 01 of 2020. This sets forth a receptive and conducive environment for advancing multi-agency efforts. Other key notable institutions mandated with countering transnational wildlife crime in Kenya include; the ODPP mandated by Article 157 of the Constitution of Kenya to institute and undertake prosecution of criminal matters and all other related incidences; the NPS provides law enforcement support throughout the country; the DCI provides investigative and forensic services to assist in the investigation and prosecution of wildlife crime suspects; the other institutions include; the KRA, Directorate of Immigration Services; the KAA and KPA. The KWS has worked with the other agencies to jointly investigate transnational cases of wildlife trafficking in Kenya.

The cooperation model which entails agencies working on a mutually defined problem while maintaining their identities and jurisdiction is the most common model adopted in countering transnational wildlife crime in Kenya. The model is executed through both formal and informal means. This was confirmed by a high proportion (72.1%) of

respondents who stated that routine multi-agency collaboration was part of law enforcement and judicial process. The National Judicial Dialogue on Wildlife and Environmental Crimes is a classic case of cooperation model where participating agencies have been led by the Judicial Training Institute in monitoring and evaluating their performance in investigating and prosecuting wildlife / environmental crimes.

The operational task forces have also been commonly used in countering transnational wildlife crime in Kenya. The multi-agency anti-poaching unit established in 2013 to deal with elephant poaching in Kenya is one of the formal operational task forces established by the government. It was composed of officers from KWS, GSU and AP and it exercised some dependence and independence on some operational matters thus fitting the description provided by Brocklesby.²⁷⁷ The joint multi-agency operations targeting wildlife crime also fit the operational task forces since they have specific jurisdictions and timelines. The security and intelligence committees found at the regional, county and sub-county levels fit the integrated working model of the multi-agency approach. The Border Management Committees are also examples of the integrated model which entails an appointed officer coordinating the operations of other agencies. The National Government Administration Officers (NGAO) and KRA officers perform the coordinating role in the respective committees. The Joint Port Control Unit (JPCU) at the Port of Mombasa is also another example of the integrated model as it is composed of officers from various agencies working under the coordination of KRA.

²⁷⁷ Brocklesby, John. 2012. Op Cit. P-424

Co-locating of staff model is employed by the KWS to have officers from GSU, DCI and other security agencies seconded to KWS and vice versa. This is the model commonly known as staff secondment or attachment. The service delivery model is adopted in the National Judicial Dialogue on Wildlife and Environmental Crimes where professionals from judicial, investigation and prosecutorial authorities are required to collaborate to enhance the conviction of wildlife crime suspects.

It was however established that the multi-agency models targeted at transnational wildlife crime are mostly confined to operational levels with less representation at strategic level. The KWS is not a member of the Multi-Agency Task Team (MATT) and National Security Advisory Council (NSAC). It is also a coopted member of the County and Sub-County Security and Intelligence Committees implying that its participation in such committees is subject to an invitation.

5.2.2 Diverse Multi-Agency Strategies used in Countering Transnational Wildlife Crime in Kenya

Pursuant to the second objective which sought to assess the diverse multi-agency strategies used in countering transnational wildlife crime in Kenya, this research study has established that coordination is the main factor in the multi-agency initiatives. It was found to be successful in prosecution of wildlife crime cases and in multi-agency units established formally through a MoU and where coordination is explicitly provided for in legislation or engagement instructions. The development of rapid reference guides through multi-agency efforts provided a common understanding and reference point for investigating and prosecuting wildlife crime cases. The multi-agency efforts have been effective in reducing

poaching and trafficking in rhino and elephant specimens. Other indicators for the effectiveness of the approach include increased conviction rates of wildlife crimes from 44% in 2014 to 91% in 2020. It has been established that Kenya's multi-agency efforts in countering transnational wildlife are structured on local, national, regional and international cooperation thereby partly fulfilling Brockelsby's quest for coordinated efforts at all levels.²⁷⁸ The diverse multi-agency strategies adopted in Kenya to counter transnational wildlife crime transcend the local, national, regional and international multi-agency collaborative structures which are a requisite for successful multi-agency efforts in countering transnational crimes.

The operations of the JPCU, Border Management Committees, County and Sub-County Security and Intelligence Committees and operations led by international organizations have enjoyed higher levels of coordination as compared to ad hoc collaborations such as pursuing poaching gangs. The enhanced multi-agency efforts have led to reduction in the use of Kenya's entry and exit points to traffic wildlife out of the country. This has resulted from increased multi-agency efforts at the entry and exit points which has been complimented by the deployment of KWS officers at the border posts. Rhino and elephant poaching has been declining since 2013 with record low numbers being recorded in 2020 and this has been attributed to the multi-agency efforts and the review of the wildlife conservation and management act in 2013. Multi-agency strategies formulated to counter transnational wildlife crime have led to increased participation of more actors as well as enhanced understanding of wildlife crimes in Kenya.

²⁷⁸ Ibid. P-422

5.2.3 Challenges facing the multi-agency approach in countering transnational wildlife crime in Kenya

Based on the third objective of this study which sought to analyze the challenges facing multi-agency collaboration in countering transnational wildlife crime in Kenya, this study has established that the main challenges include; differences in knowledge, roles and responsibilities in respect to countering transnational wildlife crime, corruption, inadequate collaboration and cooperation, conflicting agency cultures, inadequate funding and resourcing, inadequate information sharing. Other challenges include the dynamism and inter-linkages of wildlife crime with other transnational crimes, imbalances of seniority in agency representation and lack of clear structures to guide multi-agency initiatives.

The porosity and extensiveness of the international boundaries is a challenge to the multi-agency teams based at the border posts. Corruption and violence are the means by which transnational organized criminals control their markets and supplies. Threats coupled with bribes are the strategies employed by the wildlife criminals to evade and compromise the strategies employed by the multi-agency teams to control transnational wildlife crime. Generally, the multi-agency strategies have been effective in reducing poaching and trafficking in rhino and elephant specimens.

This study also established that the multi-agency collaboration in Kenya is not anchored in an overarching policy or legislation. The rallying call for multi-agency efforts in countering corruption, economic and other crimes is the 2014 presidential directive. Although the wildlife sector has policies and legislation that expressly provide for multi-agency approach in addressing wildlife crimes this may not be sufficient to compel other agencies

to adopt the approach due to jurisdictional limitations. The challenge presented by corruption has also been singled out in literature. This is despite anti-corruption efforts being one of the diverse strategies used in countering transnational wildlife crime in Kenya. This may be a pointer that there is either a need to re-evaluate the anticorruption strategies or enhance the efforts.

5.3 Conclusion

The study concludes that; wildlife crimes remain an unending and a serious transnational crime that threatens national, regional and global security. Transnational wildlife crime also threatens the rule of law, health, economies and conservation efforts. For these reasons, transnational wildlife crime presents itself as a developmental challenge which requires a collaborative approach to find solutions. The multi-agency approach is one of the collaborative initiatives adopted by many countries such as Kenya to counter wildlife crimes particularly poaching and transnational wildlife trafficking. Despite it being a viable approach for tackling wildlife crimes, the effectiveness of the multi-agency approach in Kenya has remained largely less studied. This is what prompted the interest in such a research. Consequently, this study has examined the successfulness of the multi-agency approach and adopted the Structural-Functional theory and the general systems theory to explain the workings of multi-agency approaches.

The study established that; multi-agency strategies in Kenya have reduced poaching of commonly trafficked wildlife species. The multi-agency efforts have also reduced wildlife trafficking through Kenya's entry and exit points. This is attested by lack of wildlife seizures involving Kenya since 2016. The close collaboration among various government

and private agencies has enhanced wildlife in Kenya. This therefore confirms the first, the second and the third hypotheses which state that; adoption of the multi-agency approach in countering transnational wildlife crime is well-grounded and justified; diverse multi-agency strategies have enhanced the countering of transnational wildlife crime in Kenya and lastly, countering of transnational wildlife crime in Kenya has been negatively affected by the challenges facing the multi-agency efforts.

5.4 Recommendations

The following recommendations apply to this study;

Academic Recommendations

1. This study recommends for a concerted research directed towards developing up-to-date policies capable of solving 21st century wildlife crimes which have advanced with global technological and logistical transformation. The research should focus on best international practices which suitably discourage transnational wildlife crimes.
2. This study recommends for further research on the supply and demand chain dynamics which influence the transnational wildlife crimes. Research on demand side shall inform on the factors which drive the transnational wildlife crimes and the appropriate means to curtail or rather reduce the demand. The research on the supply side informs on the appropriate mechanisms for protecting the endangered species.
3. This study recommends academic research directed towards developing legislative frameworks based on diplomatic engagement with both regional,

continental and global State and non-State actors to rump up pressure on consumer countries in East and South-Asia.

Policy Recommendations

1. This study recommends for devising more effectual coordination approaches between KWS and other law enforcement agencies specifically focusing on the entry and exit points, as well as adoption and utilization of modern surveillance technology at the entry and exit points; strengthening prosecution capacity, training, equipping and deploying more wildlife law enforcement officers, and increasing the involvement of communities in wildlife management and security.
2. This study further recommends for the anchoring of multi-agency collaboration in an overarching policy and legislation so as to provide the impetus and framework for agencies and actors to embrace the initiative. Elevation of the initiative to policy and legislative levels will provide the push factor required to compel participation.
3. The study recommends for the inclusion of wildlife crime at strategic levels of decision making so as to be accorded the same prioritization and understanding as other organized crimes.
4. This study recommends for enhanced focus and review of anti-corruption strategies targeted at countering transnational wildlife crime. This is premised on the finding that corruptions remains a key challenge in countering transnational wildlife crime despite anti-corruption being one of the diverse strategies used to counter the crime.

General Public Recommendations

1. To the general public, this study recommends that transnational wildlife crime should be understood as a threat to societal interests. The public is part and parcel of the multi-agency initiatives undertaken to counter it. The public should not view the initiatives as being exclusive to state and non-state agencies. A whole of society approach is the best way to address transnational wildlife crime.
2. This study also recommends for adoption of guidelines and regulations provided by the wildlife agencies governing the operation of wildlife conservancies. The general public should implement conservancy management protocols and strategies to avoid encroachment on wildlife conservancies, migration corridors and breeding areas in order to secure a natural environment for wildlife.
3. The general public should adopt and practice wildlife conservation ethics with appreciation and zeal to ensure wildlife safety and sustainability in a conducive environment. This can be achieved through awareness campaigns and civic education focused on disseminating conservation ethics. This entails close collaboration with the ministry of education to inculcate conservation education in all academic discourses.
4. This study recommends for the training of community based rangers who can work collaboratively in a multi-agency arrangement together with other wildlife conservation agencies. There is an overriding need to understand that; transnational wildlife criminals are found in a human community from where crimes are commissioned. Establishing community rangers ensures provision of information,

apprehension and prosecution of wildlife criminals in a less costly and effective approach.

Areas for Further Research

This research proposes further research on; examining the effectiveness of regional cooperation in East Africa to counter transnational organized wildlife Crime: A case study of EAC

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Appendix 1: Questionnaire

Academic research on *countering transnational wildlife crime through multi-agency approach in Africa: a case study of Kenya*

Questionnaire for Ministries, Departments, Agencies, Non-Governmental Organizations, International Governmental Organization and Communities

INSTRUCTIONS

I am a student at the University of Nairobi currently pursuing a Master of Arts degree in International Studies. I am undertaking research on *countering transnational wildlife crime through multi-agency approach in Africa: a case study of Kenya* and would like to gather information using this questionnaire. You are kindly requested to voluntarily participate in providing accurate and honest responses to items in this questionnaire. *The information you provide will be used for this research only and will be treated with confidentiality.* ~ Joseph Sarara

Section A – Personal details

1. Kindly tick the correct details that apply to you

Current work station

Gender (tick one) Male Female

Age in years (tick one) 18-27 28-37 38-47

48-57 58 and over

Ministry, Department, Agency, NGO Name

- () Secondment / attachment of staff to a unit / agency with wildlife crime mandate
- () Routine collaboration with other agencies/organizations as part of our work in law enforcement / judicial process
- () Collaboration with international organizations countering wildlife crime
- () Others (please specify)

5. Which of the following statements describe the multi-agency framework for countering transnational wildlife crime in Kenya? (*you may choose multiple applicable responses*)

- (a) The multi-agency initiative is provided for in legislation
- (b) There is a management / supervisory committee / forum which monitors performance
- (c) It is undertaken based on informal arrangements
- (d) It is undertaken due to common objective of law enforcement and conservation
- (e) It is guided by standard operating procedures of my organization
- (f) It is guided by an MoU or agreement
- (g) It is a government directive to adopt multi-agency collaboration
- (h) Other (specify)

Section C: Successfulness of the multi-agency approach in countering transnational wildlife crime in Kenya

6. On a scale of 1 to 5 (where 1 is strongly disagree and 5 is strongly agree) please indicate (circle or tick) your response that best describes the successfulness of the multi-agency approach in countering transnational wildlife crime in Kenya for the period from 2010 to 2020.

(1-Strongly disagree, 2-Disagree, 3-Neither agree or Disagree, 4-Agree, 5-Strongly Agree)

Statement on effectiveness of multi-agency approach	Scale of agreement				
Wildlife trafficking through Kenya's entry and exit points has reduced	1	2	3	4	5
Poaching of highly trafficked species has reduced	1	2	3	4	5
There is increased understanding of wildlife crime by more officers and stakeholders	1	2	3	4	5
There has been enhanced investigation and prosecution of wildlife crime cases	1	2	3	4	5
More multi-agency officers have been trained on wildlife crimes	1	2	3	4	5
There has been increased anti-corruption efforts in countering wildlife crime	1	2	3	4	5
There has been increased participation of other players such as private sector, NGOs and communities in countering transnational wildlife crime in Kenya	1	2	3	4	5
There is improved coordination and collaboration among agencies	1	2	3	4	5
Guidelines, reference and training materials have been developed through multi-agency approach	1	2	3	4	5

Section D: Challenges facing multi-agency approach in combating transnational wildlife crime in Kenya

7. What challenges do multi-agency teams encounter in countering transnational wildlife crime in Kenya? please tick the applicable responses

- Inadequate funding and resources
- Differences in knowledge, roles and responsibilities
- Corruption
- Inadequate multi-agency collaboration and cooperation
- Conflicting and incompatible agency cultures
- Inadequate information sharing
- Imbalanced level (seniority and number) of agency representation
- Lack of clear structures (SOPs, laws, guidelines) for collaboration
- Dynamism of wildlife crimes
- Wide areas of coverage
- Inadequate collaboration with neighboring and other countries
- Other challenges (specify)

.....

8. How can the challenges listed above be addressed to enhance the effectiveness of multi-agency approach in countering transnational wildlife crime in Kenya?

9. What recommendations would you suggest to enhance the effectiveness of the multi-agency approach in countering transnational wildlife crime in Kenya

Thank you for your kind participation in this study






Appendix 2: Interview Guide

For Ministries, Departments, Agencies and NGOs

1. What was the rationale for adopting multi-agency approach in countering transnational wildlife crime in Kenya
2. How is the multi-agency approach modelled and structured?
3. What institutional arrangements are in place to guide the multi-agency approach in countering transnational wildlife crime in Kenya?
4. How are bilateral and multilateral issues addressed?
5. How effective has been the multi-agency approach in countering transnational wildlife crime in Kenya?
6. What are the key achievements of the multi-agency approach in countering transnational wildlife crime in Kenya
7. What are the challenges facing the multi-agency approach in countering transnational wildlife crime in Kenya?
8. How can the challenges be addressed to enhance the effectiveness of the approach in countering transnational wildlife crime in Kenya
9. What is the future of the multi-agency approach in countering transnational wildlife crime in Kenya
10. Any other relevant information on this study?

Thank you for taking your time to participate in this study.

Appendix 3: Research Permit

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