

**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**INTERNATIONAL ANIMAL TROPHY TRAFFICKING: A CASE OF KENYA**

**BY**

**NANCY M. KABETE**

**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE AWARD OF MASTER OF ARTS DEGREE IN  
INTERNATIONAL STUDIES**

**November, 2016**

**DECLARATION**

I hereby declare that this Research Project is my original work and has not been submitted for examination and award in this university or any other university.

**Nancy Muthoni Kabete - Admin. No. R50/82645/2015**

Signed..... Date .....

This Research Project has been submitted for examination with my approval as the assigned university supervisor.

**Prof. Ambassador. Maria Nzomo**

Signed.....Date.....

## **DEDICATION**

This project is dedicated to my beloved husband Justus, my daughter Lizalouren and my two sons Ian and Andrew to each of whom I owe more than I can practically express.

## **ACKNOWLEDGEMENT**

At a personal level, I would like to sincerely acknowledge my supervisor Professor Ambassador Maria Nzomo for assisting me in the choice of my research topic and for her useful guidance and encouragement through the research process. It is through her tireless dedication that this project has come to completion.

I am greatly indebted to the entire course mates for their encouragement, support and useful contributions towards the completion of this project.

Grateful thanks to my husband Professor Justus K. Mile for his moral support, encouragement and very useful comments and corrections during the entire period of the study.

To all these and many others not mentioned herein, may the almighty God bless you all abundantly.

## TABLE OF CONTENTS

DECLARATION .....	i
DEDICATION .....	ii
ACKNOWLEDGEMENT .....	iii
LIST OF TABLES .....	vii
LIST OF ABBREVIATIONS.....	viii
ABSTRACT.....	ix
CHAPTER ONE: INTRODUCTION .....	<b>Error! Bookmark not defined.</b>
1.1 Background of the Study .....	<b>Error! Bookmark not defined.</b>
1.2 Problem Statement.....	<b>Error! Bookmark not defined.</b>
1.3 Research Questions.....	<b>Error! Bookmark not defined.</b>
1.4 Objectives of the Research.....	<b>Error! Bookmark not defined.</b>
1.4.1 Main Objective .....	<b>Error! Bookmark not defined.</b>
1.4.2 Specific Objectives .....	<b>Error! Bookmark not defined.</b>
1.5 Justification of the Study .....	<b>Error! Bookmark not defined.</b>
1.5.1 Academic justification .....	<b>Error! Bookmark not defined.</b>
1.5.2 Policy Justification .....	<b>Error! Bookmark not defined.</b>
1.6 Literature Review .....	<b>Error! Bookmark not defined.</b>
1.6.1 International Trophy Trafficking.....	<b>Error! Bookmark not defined.</b>
1.6.2 Factors contributing to Rise in Animal Trophy Trafficking.....	<b>Error! Bookmark not defined.</b>
1.6.3 Legal and Institution Frameworks in addressing International Trophy Trafficking.....	<b>Error! Bookm</b>
1.6.4 Impact of International Trophy Trafficking on National Security.....	<b>Error! Bookmark not defined.</b>
1.7 Theoretical Framework.....	27
1.8 Operational definition of Key Terms in the study.....	29
1.9 Hypotheses .....	30
1.10 Research Methodology .....	31
1.10.1 Introduction .....	31
1.10.2 Research Design .....	31
1.10.3 Target Population .....	32
1.10.4 Sampling Procedure.....	32
1.10.5 Data Collection Instruments and Procedure.....	33

1.10.6	Pilot Test .....	33
1.10.7	Data Processing and Analysis .....	34
1.11	Ethical Consideration.....	34
1.12	Chapters outline.....	34
<b>CHAPTER TWO: NATURE AND STATUS OF INTERNATIONAL TRAFFICKING.....</b>		<b>36</b>
2.1	Introduction .....	36
2.2	Status and Extent of International Animal Trophy Trafficking .....	36
2.3	Actors involved in Animal Trophy Trafficking .....	42
2.4	Impact of International Trafficking .....	43
2.5	Drivers of International Animal Trophy Trafficking .....	45
2.6	Provisions of Addressing International Animal Trophy Trafficking .....	49
2.7	Summary .....	53
<b>CHAPTER THREE: INSTITUTIONS, LEGAL FRAMEWORKS AND ACTORS FOR COMBATING INTERNATIONAL TROPHY TRAFFICKING: AN ANALYSIS .....</b>		<b>56</b>
3.1	Introduction .....	56
3.2	Geopolitical factors and governance .....	57
3.2.1	Complexity and challenges of implementing counter trafficking measures.....	57
3.2.2	Analysis of Policy Provisions .....	58
3.3	Analysis of Actors against animal trophy trafficking.....	62
3.3.1	Convention of International Trade on Endangered Species.....	62
3.3.2	International Police (Interpol) .....	63
3.3.3	Conservation Non-Governmental Organizations .....	64
3.3.4	Kenya Wildlife Service as a State Agency .....	66
3.4	Awareness and Public Engagement.....	67
3.5	Analysis of Enforcement Response.....	68
3.6	Summary .....	69
<b>CHAPTER FOUR: FACTORS INFLUENCING RISE IN ANIMAL TROPHY TRAFFICKING .....</b>		<b>71</b>
4.1	Introduction .....	71
4.2	Rise in Animal Trophy Trafficking .....	72
4.2.1	Global Economy and Globalization .....	72
4.2.2	Demand .....	77

4.2.3	Social, Economic and political environment .....	78
4.3	Summary .....	82
CHAPTER FIVE: TROPHY TRAFFICKING AND NATIONAL SECURITY .....		83
5.1	Introduction .....	83
5.2	Country Instability .....	84
5.3	Proliferation of Small Arms .....	85
5.4	Under Development.....	87
5.5	Investor confidence and impact on economy.....	89
5.6	Threat of Organized Criminals.....	92
5.7	Cybercrime.....	94
5.8	Summary .....	95
CHAPTER SIX: ANALYSIS OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS.....		96
6.1	Introduction .....	96
6.2	Response Rate .....	96
6.2.1	Profiles of the Respondents.....	97
6.3	International Animal Trophy Trafficking .....	101
6.3.1	Nature and status of trophy trafficking in Kenya .....	101
6.3.2	Efficacy of institutional frameworks in addressing trophy trafficking.....	105
6.3.3	Factors influencing rise in animal trophy trafficking .....	108
6.3.4	Trophy trafficking and national security .....	111
6.4	Summary of findings .....	113
6.5	Conclusions .....	116
6.6	Recommendations .....	117
6.7	Areas for Further Research .....	118
REFERENCES.....		120
APPENDICES .....		124
Appendix I:	Study Questionnaire .....	124

## LIST OF TABLES

Table 1.1: Target Sample Size .....	32
Table 6.1: Distribution of respondents by organization .....	97
Table 6.2: Distribution of respondents by gender .....	98
Table 6.3: Distribution of respondents by age .....	98
Table 6.4: Distribution of respondents by highest level of education.....	99
Table 6.5: Distribution of respondents by employment terms.....	99
Table 6.6: Distribution of respondents by length of service in the organization .....	100
Table 6.7: Distribution of respondents by cadre in the organization .....	101
Table 6.8: Nature and status of animal trophy trafficking.....	102
Table 6.9: Efficacy of institutional frameworks in addressing trophy trafficking.....	106
Table 6.10: Factors influencing rise in animal trophy trafficking .....	109
Table 6.11: Impact of trophy trafficking on national security .....	112



## LIST OF ABBREVIATIONS

CAWT	Coalition against Wildlife Trafficking
CEO	Chief Executive Officer
CITES	Convention of International Trade
EMCA	Environmental Management and Coordination Act
FKE	Federation of Kenya Employers
GDP	Gross Domestic Product
ICT	Information and Communication Technology
IFAW	International Fund for Animal Welfare
INTER POL	International Police
JKIA	Jomo Kenyatta International Airport
KNBS	Kenya National Bureau of Statistics
KWS	Kenya Wildlife Service
LATF	Lusaka Agreement Task Force
MIA	Moi International Airport
NEMA	National Environmental Management Authority
NGO	Non Governmental Organisations
OCFSA	Organisation for Conservation of Wild Fauna
PDR	People's Democratic Republic
SPSS	Statistical Packages for Social Scientists
TCM	Traditional Chinese Medicine
UWA	Uganda Wildlife Authority
UDAW	United Declaration for Animal Welfare
UK	United Kingdom
UNEP	United Nation Environmental Programs
US	United States
UNODC	United Office on Drugs and Crime
WCMA	Wildlife Conservation Management Act
WCO	World Customs Organisation
WWF	World Wildlife Fund

## ABSTRACT

Globally, survival of wildlife in many range states is threatened by animal trophy trafficking. The trafficking has reached unprecedented levels with large volumes of animal trophies being intercepted in various parts of the world many of which originate from the African range states including Kenya. The study seeks to investigate why international animal trophy trafficking continues despite an established state agency responsible for the protection and conservation of wildlife in Kenya. Specifically, this study seeks to examine the nature and status of international animal trophy trafficking in the world; assess the efficacy of existing global, regional and national legal and institutional frameworks in addressing trophy trafficking; examine the factors that influence the rise of international animal trophy trafficking in Kenya; and analyse the impact of international trophy trafficking on national security. This study utilizes liberalism and rational choice theories. The liberalism theory guides this study in studying the cooperation among the multiple actors in international trophy trafficking. Moreover, with sustained motivation for animal trophy trafficking despite known penalties, the rational theory guides this study in finding out the reasons motivating involvement in this trade despite the enacted laws and creation on institutions in the fight against animal trophy trafficking. This study hypothesizes that animal trophy trafficking is rampant internationally; securing wildlife is dependent upon effectiveness of the international community, institutional frameworks and other actors discharging their mandates; and that a relationship exists between international trophy trafficking and national security. This study adopted a descriptive whose target population are employees of Kenya Wildlife Service and selected conservation NGOs with the data being captured through a semi structured questionnaire. Both descriptive and inferential statistics are used in analyzing the data. Findings indicates that drivers of trophy trafficking are similar to those that drive other crimes including globalization, improved communication, underdevelopment and government laxity. Findings show that challenges that prevent deterrence to trophy trafficking originate from societal and cultural situations, national government law orientations and enforcement. Findings indicate that international animal trophy trafficking is rampant globally and ineffectiveness by the government in managing the crime is the greatest factor that influence the rising trends in trophy trafficking. From the findings, legal and institutional frameworks existing at global, regional and national levels have varying degree of effectiveness in the execution of the enacted laws and legislations which result into gaps that are exploited by the criminal syndicates regardless of the commitment and cooperation between countries towards the promotion of preventive intervention. These findings are in tandem with the liberalism and neoliberal theories because even for those states with adequate laws, governance is marred with self-interests perpetrated by anarchy due to absence of political authority and cooperation. This study further established that animal trophy trafficking has effects on national security. This study recommends that animal trophy trafficking be framed as a national security issue that needs global response through well interlinked governance systems in both source and consumer states. The existing loopholes in collaborative arrangements between the respective global, regional, and national agencies be streamlined so as to effectively execute provisions in various legislations deterring animal trophy trafficking. Considering that this study was conducted at the Kenya Wildlife Service and selected conservation NGOs, responses adopted may be biased due to contextual differences. This

study recommends that a similar study is done cutting across other wildlife range states to allow for broader generalization and comparison of findings.

## CHAPTER ONE: INTRODUCTION

### 1.1 Background of the Study

The growth of transnational organised crime is indisputable and its impacts vary considerably across the globe. Organised crime is characterised by networks operating trans-nationally across the global. Initially, organised crime was associated with human and drug trafficking before the gradual entrance to trophy trafficking where the later has increased drastically in the recent years prompting the need for concerted efforts in adopting measures to mitigate the problem. Wildlife trafficking has come behind other known illicit trades in drugs, arms and human beings. Scanlon (2009) reported that the growing demand for ivory and rhino horns had triggered a startling increase in poaching of wild animals, which has led the UN Office on Drugs and Crime to call for member states to increase the enforcement on the part of exporting countries.

Fisher asserted that China and the US are generally considered to be the prime markets for the \$20 billion illegal wildlife trade, along with iconic animals like rhinos, tigers, and chimpanzees<sup>1</sup>. Countries known to be important transit points in the ivory trade chain include Malaysia, Philippines, Thailand or Vietnam<sup>2</sup>. All good, Richford and Lafontaine posit that the impact of the U.S. demand for ivory on the poaching crisis in Africa and Asia is not entirely clear. They noted that inadequate, confusing, and unenforceable laws have made it difficult to tell the difference between legal and illegal ivory in the U.S. market. As a result, these loopholes have led to a lack of data on how much of the animal trophy that is sold on the legal market is actually illegal removed from poached animals.

A recent upsurge in rhinoceros poaching is closely linked to the increased demand for

---

<sup>1</sup> Jeremy Haken, *Transnational Crime in the Developing World* 11–12, 39–40, 44 (Global Fin. Integrity Feb. 2011) (available at <http://www.gfintegrity.org/storage/gfip/documents/reports/transcrime> (accessed Sep. 5, 2015))

<sup>2</sup> Status of African elephant population and levels of illegal killing and illegal trade in ivory: CITES report, 2013. P.9

rhinoceros horn in Asia and particularly in Viet Nam where it carries prestige as a luxury item, as a post-partying cleanser and as a purported cancer cure<sup>3</sup>. There is demand for the horns globally, where many of the affected countries are mainly of the African wildlife range states countries due to their weak enforcement capacities, this means the source countries are at risk.

Africa has been known to constitute countries that can be termed as the elephant and rhino range states due to the high populations of these animals exhibited by these countries. South Africa, Kenya, Tanzania, Namibia and Mozambique are among the commonly known range states in the region. At the beginning of the twentieth century, there were countless herds of elephants that inhabited and roamed freely in their habitats across the African and Indian subcontinents<sup>4</sup>. As noted by Parry, despite the fact that elephants remain one of the Earth's most charismatic and majestic animals, their populations have crashed to a fraction of historic numbers as poachers and organized criminal syndicates laid siege.

Kenya since independence witnessed its large wildlife populations contribute to its economic growth through tourism. With globalization and the associated impacts, hunting (which had been permitted as a sport and as a cultural venture in some communities) turned to poaching where animals were poached for commercial purposes leading to animal trophy trafficking across the borders. Currently, Kenya has a struggling animal population resulting from the illegal poaching of animal trophies which are trafficked to other nations like China, the US and Vietnam. The country has had a share of its challenges in the fight against the poaching of animals for trophy trafficking and trade as reflected in its inability to deter criminals from poaching within protected areas. For

---

<sup>3</sup> <http://www.traffic.org/rhinos/>.( Accessed on 02.09.15)

<sup>4</sup> Born Free Found., Elephants under Threat, <http://www.bornfree.org.uk/campaigns/elephants/elephants-under-threat> [<http://perma.cc/0GgK2R6Fr1W>] (accessed Sep. 5, 2015)

instance, in the year 2012, eleven elephants were killed in the vast Tsavo east national park Kenya and all its tusks removed by the criminals. Again January 2014, Lake Nakuru national park witnessed a poaching spree targeted at rhinos. This kind of mass killing of animals cannot be associated with opportunistic killing as a result of conflict but can best be defined as commissioned killing associated with orders of large shipments that well organised criminal groups on the receiving end are sourcing for ivory. The availability of ready market act as one key motivational factor for people challenged with poor livelihoods and much underdevelopment engage in the vice for the sole purpose of making their ends meet though financial gains regardless of the means that it is acquired. Other challenges of unemployment and the love for criminals to generate quick money are also factors that push the poaching to greater heights.

Wildlife trafficking operates across national borders thus international collaboration and cooperation is crucial to ensure this trade is sustainable and controlled and does not threaten or endanger wildlife. Globally there is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) entered into force in 1975, in response to concerns that many species were becoming endangered because of international trade. Regionally, the Lusaka Agreement Task Force is aimed at facilitating cooperative activities in/among the Party states to the Lusaka Agreement in carrying out investigations on violations of national laws pertaining to illegal trade in wild fauna and flora. Others are the United Nations Environmental Programme (UNEP), Interpol General Secretariat, organization for Conservation of Wild fauna (OCFSA) and World Customs Organization (WCO) among many others.

However, despite the combined efforts of the international community, governments, non-governmental organizations and civil society, illicit animal trophy trafficking has increased over the last few years. The trend is confirmed by some of the most recent

events relating to wildlife trafficking. For example, 2011 was the highest year on record for elephant poaching; the theft of rhinoceros horns from museums, auction houses and antique shops has increased in the European Union; ivory estimated to weigh more than 23 tonnes (a figure that represents 2,500 elephants) was confiscated in 17 large-scale seizures; and the illegal poaching of rhinos in South Africa surged to a record high with a final death toll of 448<sup>5</sup>.

## **1.2 Problem Statement**

Animal trophy trafficking is a very serious security threat to the survival of wild animals in many range states across the world. For instance, elephants and rhinos have been poached to supply trophies for the multimillion-dollar illegal trade. The trafficking has reached unprecedented levels as reflected in reported worldwide interceptions of large volumes of animal trophies many of which originate from the African range states including Kenya. In Kenya, periodic recoveries of trophies in protected areas and seizures of illegal tusks and rhino horns within and beyond Kenyan borders suggest that a significant number of animals are killed. This may be due to the country's proximity and accessibility to the Indian Ocean coastline where tusks may be smuggled out of the country more easily. Such recoveries and seizures raise concern over the sustainability of the wild population, especially where potential breeding males and females are killed.

In its quest to protect wildlife from criminals, the Kenya Wildlife Service was established with a mandate of protecting wildlife by ensuring that no animals are killed or traded either dead or alive nor its derivatives. Despite the existence of the agency, the country has been hit by mass killing of elephants and rhinos by organised criminal groups that gain access into protected animal sanctuaries sourcing for ivory and rhino horns. Using

---

<sup>5</sup> Department of Environmental Affairs, Republic of South Africa. *Minister Edna Molewa addresses National Press Club on the ongoing scourge of rhino poaching.* (2012).  
[Http://www.environment.gov.za/?q=content/molewa\\_national\\_pressclub\\_rhinopoaching\\_briefing](http://www.environment.gov.za/?q=content/molewa_national_pressclub_rhinopoaching_briefing)

the case study of Kenya the study therefore seeks to examine and analyse the nature and status of international trafficking; underlying factors and dynamics of organised criminal groups and its impacts on national security.

### **1.3 Research Questions**

- i) What is the nature and status of international animal trophy trafficking globally and in particular its form and magnitude in Kenya?
- ii) What is the efficacy of the existing international, regional and national legal and institutional frameworks for addressing international trophy trafficking?
- iii) What are the factors that influence the rise in international animal trophy trafficking and in particular in Kenya
- iv) What is the impact of international animal trophy trafficking on national security in Kenya?

### **1.4 Objectives of the Research**

#### **1.4.1 Main Objective**

The main objective of the study is to investigate why international animal trophy trafficking continues in Kenya despite an established state agency tasked with protection and conservation of wildlife.

#### **1.4.2 Specific Objectives**

- i) To examine the nature and status of international animal trophy trafficking in the world
- ii) To assess the efficacy of existing global, regional and national legal and institutional frameworks in addressing trophy trafficking



iii) To examine the factors that influence the rise of international animal trophy trafficking in Kenya

iv) To analyse the impact of international trophy trafficking on national security

## **1.5 Justification of the Study**

The study can be justified on both academic and policy ground

### **1.5.1 Academic justification**

The study will provide additional literature on international animal trophy trafficking in the republic of Kenya and the international community at large. It will also enable the public to in accessing reference material on poaching of wildlife and its impact to national security. The research will contribute to the understanding of the theories of organised criminal groups.

The study will contribute to the understanding of issues pertaining to international animal trophy trafficking and the likely transformation processes of the responsible agency in the modern intervention in the fight against international animal trophy trafficking.

### **1.5.2 Policy Justification**

At the policy level this research will help policymakers in the security sector to arrive at informed decisions guided by the findings from the research on approaches towards international animal trophy trafficking.

The government agencies, Non-Governmental Organisations and the civil society will learn how they can partner together in the implementing Anti-poaching initiatives and also provide guidelines to the State Agency in appreciating the benefits of partnership geared towards identifying the collaborative areas in the fight against international animal trophy trafficking leading in the delivery of effective results oriented initiatives so as to meet the expectations of the state and also that of international community.

## **1.6 Literature Review**

### **1.6.1 International Trophy Trafficking**

Illegal trophy trafficking is estimated to cost higher than US\$ 20 billion annually and may be among the most profitable businesses after drugs and human trafficking. Illicit trophy products like the rhinoceros horn currently can cost more than gold. The number and diversity of illegal trophy trafficking is big and so is the market. The US is both one of the world's biggest markets for illegal wildlife and wildlife products. Many believe it is only second to China.<sup>6</sup> Trafficking of wildlife trophies is a global challenge where buyers from far and wide the globe have had contribution to the problem. The magnitude of quantities traded is alarming. Law enforcement and other professionals have a feeling that illegal animal trophy trade may surpass the legal trade although a comprehensive data showing its magnitude is not available.

Modern organised crime is said to have its origin in Italy in the late 19<sup>th</sup> Century. From the 1920s to the present, it has taken an organisation of international networks. In the 1970, the USA passed the Organised Crime Control Act whose purpose was to eradicate organised crime by expanding evidence gathering, forfeiture of acquired property and widening the range of crime. Organised criminal groups generate finances by engaging in various crimes such as corruption, gambling, extortion, blackmail, human trafficking, drug trafficking and now the recent emergence of animal trophy trafficking all of which can be thought to supplement each other and therefore inter-linkages of this crimes cannot be wished away. Organised crime activities have been eased by globalization which has seen development that has greatly increased the trans-national movement of people and goods with transportation, information and communication systems being central. Due to

---

<sup>6</sup> Neme A. L. *Animal Investigator: How the First Wildlife Forensic Labs Solving Crimes and Saving Endangered Species*. Scribner New York, 2008. P241

the above factors, international trophy trafficking has been made easy for the criminal gangs where this is evidenced by numerous interceptions of trophies while being trafficked from one country to another. The interconnectedness of continents through intranet and other forms of communication has increasingly facilitated the crime with advertisements on trophy trade being put in the internet as dealers look for potential buyers.

In 1968 the Omnibus members of a highly organised, disciplined association engaged in supplying illegal goods and services". crime Control and Safe Streets Acts defined organised crime as "Unlawful activities of the Initially organised crime was limited to countries and was a domestic concern. Article 2 of the United Nations Charter reflects this attitude which bars the organization from involvement in activities which are essentially within the domestic jurisdiction of states. This approach does not explain the international order and the possible negative impacts resulting from the effects of organized crime on states and international society which can inhibit social economic development of a state. The combination of geopolitical climate, globalized world economies and resulting porous borders, and a revolution in information technology available to criminal groups quickened the haste and spread of organised crime. The crime groups transformed from being the usual known domestic organized crime groups that were local or the farthest regional in scope and hierarchically structured to criminal organizations that are global and transnational in nature resulting into increasingly networked groups and often flatter in structure. Organised crime has taken a new transnational dimension posing a challenge to an array of issues including national security. As a result of latest development achievement in communications and information technology and the much opening of transport infrastructure network systems, it has become much easier in the overall movement of people and commodities

and ideas across the international borders. As a result, this has resulted into both positive and negative effects among them are the rapid developments and expansion of dangerous organised criminal groups and their internationalisation.

The persistence of poorly governed or essentially ungoverned spaces around the globe, which provide fertile home bases for transnational crime means that even states with strong law enforcement are vulnerable to spill over effects. The challenge posed by transnational organised crime, through its ability to transcend borders and commit crime far from its origin, its undercover nature of its operations coupled with its ability to corrupt and subvert government officials make it difficult for countries to anticipate the threat. The perpetrators try to match the supply and demand taking advantage of the high margins of profits.

The associated believes especially from the Asian countries is one major contributing factor for a readily available market. The need to educate and introduce other alternative products to replace the animal trophies will go a long way in reducing the market for the trophies.

#### **1.6.1.1 Drivers of International Animal Trophy Trafficking**

Internationally, the organised criminals have persistently committed the crime and continued to traffick the trophies using channels that currently are becoming increasingly internet based. There are various causes of animal trophy trafficking including; for ornaments, sports, healthcare, religion and collections. Effortless access to internet where traffickers can post their advertisements on the wildlife trophies has proved easier and faster with more returns than it was before. This is because of communications from far and faster than ever before. Negotiations are completed by internet and as well as marketing and advertising for the products. This is essentially factual for many species

including big and small. Before, the transaction would take lengthy period to move the trophies to the target markets; the normally long cycles have now been reduced to days as a result of online sales. Criminals obtain trophies and transport them to the preferred location before putting advertisement in some kind of internet listing for a willing buyer, with the transactions of payment being executed in a couple of days still over the internet which culminate with a delivery to the recipient. All this is attributed to the globalised world that we are living in today unlike before where a similar event would take a longer period which in fact gave the law enforcement authorities an opportunity to intercept illegally traded trophies.

As human populations have grown, so has the demand for wildlife. People in developed countries have become used to a lifestyle which fuels demand for wildlife; they expect to have access to a variety of sea foods, leather goods, timber, medicinal ingredients, textiles and many others<sup>7</sup>. International trophy trafficking is of major concern has it contribute to over-exploitation of wildlife species that lead to extinct. The perpetrators and mainly those from the developing countries is a concern of irresponsible act that threatens the fundamental resource where the most affected is the poor people in the same developing nations. Demand for animal trophies is ubiquitous and a major cause of trophy trafficking.

Some countries and regions with the highest demand of trophies include the United States, The People's Republic of China, and the European Union<sup>8</sup>. Internationally the demand for animal trophy and specifically elephant ivory and rhino horns is worrying where the reasons behind this can be terms as mare varying believes, regions and cultures. Example, in Asia where a significant share of animal trophy is traded, demand is

---

<sup>7</sup> Wildlife trade: What is it? Available at Traffic.org. Accessed on 29<sup>th</sup> Dec.2015.p. 5

<sup>8</sup> Liana S. Wyler & Pervaze A. Sheikh, *International illegal Trade in Wildlife: Threats and U.S. Policy*. A Report for the Members and Committees of Congress, 2008, p.15. Available at fpc.State.gov. Accessed on 29<sup>th</sup> Dec 2015

motivated by the believe and need for animal parts that are used in the traditional medicine. Supply of animal trophies is another cause of trafficking. The availability of these products from the source countries for both legal and illegal sources is mainly from the developing countries. Developing countries have a rich biodiversity but the same countries experience weak governance and poor law enforcement capacity which result to high vulnerability to international animal trophy traffickers.

Another factor that drive animal trophy trafficking is the high profits associated with animal trophies. The price is driven by the high demand that is found to exceed the supply. This sky rocketing prices are not to fall in due cause but will continue to increase because of the readily available markets and their willingness to pay exorbitant prices. Due to the promising returns, the resultant impact is certain species will become even more endangered resulting from their prices getting higher and higher as their products become even rare and eventually extinct. Elephants ivory and rhinoceros horn are among the highly demanded animal trophies which have led to declining populations of this species in the African countries due to increased poaching and trade with their products. The low capacity to deal with the increasing crime has greatly affected the responses towards conserving these animals.

For a long time wildlife trophy trafficking has been associated with low penalties, this coupled with low risk of being arrested has contributed to increased poaching for trophies. Wildlife poaching and trafficking is a well thought-out less risky crime than other high-value black markets crimes including drugs as the penalties associated with wildlife crime tend to be substantially less severe than with other trafficking crimes<sup>9</sup>. Such perceptions result into limited enforcement capabilities, unwillingness to allocate adequate resources and political will in the fight against the vice. According to Douglas-

---

<sup>9</sup> Ibid

Hamilton widespread corruption, mismanagement and weak penalties for wildlife crime coupled with a lack of political will to stand up to wildlife crime enables armed non-state actors such as the Janjaweed and the Lord's Resistance Army to fund their operations predicated on the dwindling elephant populations of Central Africa.<sup>10</sup> In recent past there has been efforts in the fight against animal trophy trafficking. This has been seen where conventions on wildlife conservation have been witnessed, a good example is the CITES that for decades has been monitoring and regulates the wildlife trade and trafficking. In some cases the criminal networks have better capabilities than some governments where they possess greater firepower, intelligence networks, resources and penetrative capability to government institutions through corruption making it easier to carry out their operations.

A cross cutting problem certainly is that a rejoinder to animal trophy trafficking will entail an effective natural resource management systems in supplementary to the specialised law enforcement and legal sector that can effectively and sufficiently investigate and prosecute wildlife offenders because regulating international animal trophy trafficking is more and will develop into even complex and resource rigorous.

Structural drivers to a larger extent, the illegal animal trophy trafficking continue to flourish as a result of a number of socio economic and political situations that are outside the resolute of international programs and agreements. Conflicts, corruption, poverty and absence of alternative livelihood accelerated by the steady demand for the illegitimate animal trophies and lack of public understanding on the impacts and effects of such demands considerably contribute to global animal trophy trafficking.

---

<sup>10</sup> Ian Douglas-Hamilton, 'Time Running Out to Save Elephants from Ivory Trade', SWARA Magazine, Issue 1, Jan-Mar 2013, p.23

### 1.6.1.2 Addressing international trafficking

Global efforts intended to support international objectives in sustainable wildlife utilization and management, enforcement of laws and regulations related to wildlife conservation through domestic, regional, bilateral and multilateral mechanisms are aimed at responding internationally to the threat. Through CITES, approximately 5000 species of animals and 29000 species of plants are subject to varying levels of trade restrictions, depending on the extent to which they are at risk of extinction<sup>11</sup>Convention on International Trade in Endangered Species of wild flora and fauna has processes in three appendices list of animal and plant species in categories of endangerment and subjected to varying degree of regulation.

The current activities employed against these perpetrators demonstrate significant gap and challenges. The initiatives are faced with numerous challenges: a lack of equipment, skills, information about trade routes and actors<sup>12</sup>. This lack of capacity, moreover, is one reason that significantly restricts the results of the initiatives. These limitations are best supported by the lack of resources provided to achieve the initiatives due to a misconception of the seriousness of the issue by decision-makers and funders of the political scene<sup>13</sup>.

This lack of consideration for the seriousness of illegal animal trophy trafficking trade affects the development of a articulate legislative framework. A number of cases highlighted the occurrence of gaps exploited by traffickers in order to circumvent the law. Example, rhino horns trade is regulated between Africa and Asia by CITES permits, attesting the legal nature of the trade. However, such coordination is inadequate since the

---

<sup>11</sup> Liana, S. W., Pervaze , A. S., International Trade in Wildlife: Threats and U.S Policy (2013). A report for members and committees of congress. Available at; fpc.state.gov. Accessed on 13 January, 2013

<sup>12</sup> Rosen, G.E. and Smith, K.F., (2010), Summarizing the Evidence on the International Trade in Illegal Wildlife, *EcoHealth*, 7(1), pp.24–32. Available at: <http://link.springer.com/10.1007/s10393-010-0317-y> (Accessed September 28, 2015).

<sup>13</sup> Polinsky, A.M. and Shavell. *The theory of public enforcement of law*, 1(07), (2007). p. 455-495



presence of corruption in the centre of knowledgeable authorities present opportunities to fabricate lucrative business between the concerned agents.

The presence of external factors hampers the impact of the trophy trafficking initiatives. The bribery act by individuals involved and a lack of commitment and cooperation amongst governments authorities challenge the initiatives from operating efficiently<sup>14</sup>. In addition, on the destination end, the upward increase of economic wealth in Southeast Asian countries coupled with the strong cultural and social habits strongly strengthens the demand for animal trophy products.

## **1.6.2 Factors contributing to Rise in Animal Trophy Trafficking**

### **1.6.2.1 Poaching of Trophies**

Kenya is endowed with a wealth of wildlife species of flora and fauna. However the conservation position of this species is frightening. A big number of the species is under siege by activities occasioned by man. Elephant and rhino are a good example that conservationist and other people of concern see their extermination very close if no intervention will come along. A number of developing countries are renowned elephant range states among other developed states but due to poaching the herds have reduced drastically. Loss of population is attributable to either loss of habitat but the most pressing and disturbing is the loss occasioned in the course of poaching mainly for trophy trafficking. Demand from destination markets against the less supply of the commodity has fuelled the poaching of both the rhinoceros horn and elephant ivory which later find their way to demand countries.

According to Global post, a senior director for African affairs at the National Security Staff of the White House indicated that a kilogram of elephant ivory has a black market

---

<sup>14</sup> Srikosamatara, S., Siripholdej, B. & Suteethorn, V. Wildlife trade in Lao PDR and between Lao PDR and Thailand. *Nat. Hist. Bull. Siam ...*, (1992), pp.1–47 (Accessed September 28, 2015).

price of about \$2,200, while a rhino horn will for a staggering \$66,000 per kilo.<sup>15</sup> This kind of returns for people from the developing countries is tempting and acts as a motivation factor for many players in the trafficking. Due to their levels of underdevelopment, this act as a compelling factor to indulge in crime with many countries losing their populations due to inadequate measures to prevent the erroneous acts from the poachers.

Many countries have put measures that show a drastic reduction on poaching and trafficking of ivory and rhino horns. Other than the elephant and the rhino other species that are mostly traded include snakes, live birds, big cats skins especially the cheetah and leopard. The scale of this magnitude requires multifaceted efforts from all fronts to save losing the glamour in wildlife as it has been identified with, reaching to international community to come up with global measures towards the protection of wildlife.

Increase in illegal trophy trafficking cannot be under rated and is broadly manifested by the numerous seizures of tonnes of elephant ivory and rhino horns that are intercepted year in, year out as they are being trafficked to destination markets. In the year 2013 a total of 13.5 tons of ivory was impounded mainly at the port of Mombasa in Kenya. Due to the illegality of the crime no claimant comes forward to claim the contraband which was destined for the far East countries. Most of this contraband may be smuggled through the porous borders from the neighbouring countries because Kenya alone cannot account for this kind of elephants in poaching incidences. This event paint a picture where no country single headedly can adequately deal with trophy trafficking without the efforts and collaborations from other countries.

---

<sup>15</sup> Elephant Tusks: The New Blood Diamonds. Global post by Tristan McConnell, July 18, 2013. Available at [www. global post](http://www.globalpost.com). Accessed on 12 January, 2016

### **1.6.2.2 Demand**

Animal trophy trafficking is driven by a ready market for animal trophies across the globe. However, some countries and regions with the highest demand include the United States, The People's Republic of China, and the European Union<sup>16</sup>. The main source countries which suffer from the demand being mainly elephant range states which most of them are developing therefore affecting their populations. The growing economy of the Far East coupled with a belief that certain wildlife products have medicinal capabilities has pushed the demand even further.

For a long time wildlife trophy trafficking has been associated with demand for the products from perpetrators of wildlife crime, this coupled with low risk of being arrested wildlife trade may be seen to be fuelled by demand just like other high-value black markets products including drugs as the penalties associated with wildlife crime tend to be substantially less severe than with other trafficking crimes<sup>17</sup>. Such perceptions result into an increased demand that provoke the need to illegally acquire the trophies to satisfy it.

### **1.6.2.3 Social Economic and Political Environment**

People need security in the form of their social economic and political spheres because where security is inadequately provided concerns of daily life result to involvement in criminal activities. At its core, human security has come to have meaning in terms of the individual, moving beyond purely state-based notions of military and territorial security

---

<sup>16</sup> Liana S. Wyler & Pervaze A. Sheikh, *International illegal Trade in Wildlife: Threats and U.S. Policy*. A Report for the Members and Committees of Congress, 2008, p.15. Available at [fpc.State.gov](http://fpc.State.gov). Accessed on 29<sup>th</sup> Dec 2015

<sup>17</sup> Ibid

to include broader concerns particularly in terms of development and human rights<sup>18</sup> therefore security must at all means include protection from threats of poverty, unemployment, hunger, corruption, and conflict among others. In most of the countries there are many populations living below the poverty line and in order to make ends meet many will engage in various activities including criminal activities. In fact this is the group that is mainly used to gain access into the protected areas to do the actual killing of the animals before the trafficking begins. Considering the risks the poacher face and what he/she takes home as payment would only be attributable to poverty as the driving factor. In animal trophy trafficking, hopeful individuals and especially victims from the developing economies face challenges that increases the possibility of increased allure for many to engage in trophy trafficking.

#### **1.6.2.4 Availability of Supply**

Planning for supplies by transnational criminals is a strategic approach which involves identifying and cultivating networks of preferred suppliers. Schemes for the initial assessment and ongoing monitoring of supplier capability and performance have an important part to play in the working relationship with suppliers<sup>19</sup>. Assessing and recruitment of suppliers in the business of animal trophy trade will take along period in making to know each other for purposes of trust and identifying plans that are of mutual interest. This means cooperation and close interaction between the supplier of trophy and the buyer may be put under test even using other legal products before mutual trust is built. It should be noted that setting up a partnership is not necessarily a one sided decision and suppliers also make assessment of the buyers.

---

<sup>18</sup> Shepherd J. L., *Critical Approaches to Security: An Introduction to Theories and Methods*. Ed, ( New York, Routledge, 2013)pp.25

<sup>19</sup> Saunders M., *Strategic Purchasing & Supply Chain Management* ( England, Pearson Education, 1997)pp195-7

Availability of both the products and the supplies has resulted to the rise in trafficking of animal trophies where transnational organised criminals transverse from one country to another where supply networks are built and at the same time creating new market for the products. Increased demand and expanding access, trade generates benefits which may even exceed the gains from improved resource allocation<sup>20</sup>. Poaching of animal trophies has fewer expenses and therefore the generating good returns to the suppliers. Lack of proper controls, ease of access to the protected areas and availability of wildlife motivate the criminals to actively engage in the trade. The fact that a demand from a far country triggers availability from the source country has resulted into the rise in trafficking of animal trophies.

#### **1.6.2.5 Weak Enforcement**

One of the most significant attribute of the rise in trophy trafficking is the lack of or absence of effective controls in terms of Legislative measures, as well as the capacity of enforcement agencies.<sup>21</sup> Many of the developing countries are faced with the challenge of enforcement either due to inadequate training, lack of resources or ineffective legal systems and governance gaps like lack of political authority and greed which all encourage criminals to engage in the illegal activity of animal trophy trafficking. Many of trophy source countries being developing countries have challenges in implementation of policy and legislative measures to control the import or export of illegal animal trophy trade. Kenya, recently reviewed its wildlife Act to introduce much improved penalties for offenders of trophy trafficking.

---

<sup>20</sup> World Development Report : The Challenge of development (New York, Oxford University Press, 1991)pp 92

<sup>21</sup> Ibid

Lack of political will to establish effective enforcement agencies to deal with controlling of the crime is one factor that has contributed significantly. In order to support the fight against animal trophy trafficking, significant resources need to be allocated in enhancing capacity and effectiveness on enforcement. The international community could play a critical role in boosting the financial capability of the affected countries of which many of them are developing countries such as Kenya, Tanzania and Mozambique. However, this alone cannot solve the challenges of trophy trafficking and prospect for long term solution lies in the political reform and social-economic development which will greatly reduce the pull factors of engaging in the crime. Active encouragement and collusion are enforcement state orientations towards criminal gangs. Key officials of the state get the opportunity to benefit directly from the illegal trade and are therefore willing to take steps in protecting or aiding the actual poaching of wildlife. Operations geared towards rhino and elephant protection being sabotaged by the same officers entrusted by the government to protect the animals. Collusion with animal trophy traffickers where traffickers collude with wildlife officers, traffic police, customs officials where they become enmeshed in a symbiotic relationship with the criminal organisations mainly the collusion being a relatively low-key and covert.

#### **1.6.2.6 Combating the Rise of Illegal Trophy Trafficking**

As is the case for many countries in the world, in Kenya wildlife crime has evolved over time and presents new challenges to wildlife conservation. Kenya's estimated 33,000 elephants and 1,010 rhinos, in addition to a mosaic of other wildlife, are concentrated not

only in national parks, but scattered throughout the country across officially protected areas, private ranches, county council territories, and both communal and private lands.<sup>22</sup>

States have the mandate to enforce wildlife laws and regulations aimed at combating the rise in poaching and subsequent trafficking of animal trophies which has been witnessed in the recent time. The mandate to eliminating poaching in protected and non-protected areas and bringing it to its very minimum levels will require broad steps by individual nations as well as collaboration by the international community. Specific security strategies and measures to fight the illegal trade developed by considerations of individual country scenarios and not as common solutions for all the countries will have a better impact, this is because different countries have unique situation and require unique solutions to solve the problem.

Regionally, Kenya collaboration with Tanzania and Uganda in targeting wildlife crimes of trans-boundary nature has yielded results. Yearly meetings where the participating countries share information on wildlife crime and also draw up strategies on trans-bounder wildlife crime has seen results on reduction in the rise in trophy trafficking between the countries. Support by international and regional law enforcement bodies, such as the International Criminal Police Organization (INTERPOL) and the Lusaka Agreement Task Force, will be instrumental in facilitating, coordination and support in dealing with transnational crime.

### **1.6.3 Legal and Institution Frameworks in addressing International Trophy Trafficking**

Enforcement mechanisms include legislative and regulatory interventions and establishment of state agencies responsible for the prevention of trafficking by poachers,

---

<sup>22</sup> Wanyira F., Kanga E., Kiprono W..*Fighting Wildlife Trade in Kenya*. UN Chronicle (2014) Vol L1 No. 2. 2014. Available at: <http://unchronicle.un.org/article/fighting-wildlife-trade-kenya/>. Accessed on 12 January,2016

transporters, middle-men, traders and consumers of animal trophies. Enforcement and Awareness related interventions are considered as the core elements of mitigation today<sup>23</sup>. Such interventions aim to reduce the illegal animal trophy trade by strengthening the level and range of restrictions and discourage participants. Two types of intervention can be applied: the preventative interventions that is targeted at banning trades of specific wildlife products and the regulative interventions that aim at developing controls and quotas on wildlife trade. Enforcement initiatives involve various participants but there is a strong focus on working with local authorities in order to ensure that legal framework is properly implemented<sup>24</sup>.

#### **1.6.3.1 Legal Provisions**

These range from species-specific treaties to treaties providing protection for regional species<sup>25</sup>. In the Kenyan context, while the Constitution of Kenya contains no direct wildlife protection provisions. It has Section 71 which deals with the right to life and has been interpreted by some to include the right to a clean and healthy environment<sup>26</sup>. Other Acts like the Agriculture and the Forests Acts are important in wildlife conservation and management because wildlife is found on land and forests.

The Forests Act provides the legal framework for the conservation of forests. It governs the conservation, management, and utilization of forests and forest products<sup>27</sup>. As such, the poaching of wildlife for trophies in the forest is prohibited while Under the Agriculture Act contain preservation in ensuring that wildlife on such land is conserved. The first attempt at a comprehensive policy on wildlife management in Kenya is

---

<sup>23</sup> Ibid

<sup>24</sup> Majumdar, O., Galster, S. & Goessman, D. *Reversing the Tide of Wildlife Poaching and Trafficking*. (2014).

<sup>25</sup> Convention on the Conservation of Migratory Species of wild Animals, 19 I.L.M. (1980).

<sup>26</sup> Wamukoya, G. M., and Situma, F.D.P. *Environmental Management in Kenya; A Guide to the 15 Environmental Management and Coordination Act, CREEL, Nairobi*. (1999).

<sup>27</sup> The Timber Act (Cap. 386); Agriculture Act (Cap. 318) emphasizes agro-business rather than agro-ecology; Water Act, (Cap. 372)



contained in Sessional paper No. 5 of 1975<sup>28</sup>. This policy take note of the importance of wildlife both inside and outside protected areas and identified the primary goal of wildlife conservation as the optimisation of benefits.

The Environment Management Coordination Act (EMCA) that give the establishment of an a requisite legal and institutional outline for the administration of the environment. It, outlines guidelines on issues such as wildlife conservation. The operative law is the Wildlife Conservation and Management 2013, which provides for penalties for various offences in relation to animal trophy trafficking.

### **1.6.3.2 Conventional of International Trade on Endangered Species**

The Convention of International Trade on Endangered Species (CITES) is another avenue through which various states have come together in the fight against international animal trafficking. Although CITES has been in operation for years, there is a sustained discrepancy by the member states regarding regulations of wildlife trade and trafficking. This create a gap in the functioning of legal framework offering opportunity to the perpetrators in committing the crime.

There is a lack of international consensus of approaches on how to best address elephant ivory trafficking.<sup>29</sup> This result in the trafficking of wildlife and their derivatives globally despite the convention on International Trade in Endangered Species of Wild Fauna and Flora being into force since 1975. The focus of the convention was to ensure that the wildlife continued to exist and that those species that the likelihood of endangered species did not occur due to unregulated trade in their products. This convention has indeed

---

<sup>28</sup> Republic of Kenya, Statement on the Future of Wildlife Management Policy in Kenya (Sessional Paper No. 3, 1975)

<sup>29</sup> Liana S. Wyler & Pervaze A. Sheikh: International illegal Trade in Wildlife: Threats and U.S. Policy (2013) p.15.

. A report to the members and committees of congress. Available at [fpc.state.gov](http://fpc.state.gov). Accessed on 28<sup>th</sup> December 2015.

played an important role in regulating the trade through the appendixing of the animals depending on the level of threat to a species. A number of countries have urged out for quotas to dispose out their stock piles but this has affected some countries negatively because an increase in poaching has been witnessed as a result of the approvals.

#### **1.6.3.3 Non Governmental Organizations**

In the efforts of government towards the fight in the illegal animal trophy trade, there has been an improved engagement of civil society. Through the actions of NGOs, their actions are able to support field action toward identified issues, run public campaigns and offer information and even order certain actions from decision makers. Several organisations nowadays include mitigating animal trophy trafficking within the range of their activities. Moreover, they are frequently addressing a related issue differently and diverse practices can be observed.

Local NGOs also contribute towards mitigating wildlife crime on a local scale. By functioning at the grassroots level, these organisations are able to embark on significant activities in the field as well as gather substantial knowledge concerning the local framework within which they are evolving. Another major advantage of NGOs resides in their non-governmental nature, enabling them to undertake an issue with less restriction such as international agreements and national interest. Such approaches help to underline important points on the international scene towards illegal wildlife trade issue and weakness of governments' decisions.

#### **1.6.3.4 Public Engagement**

Awareness initiatives, on the other hand, are based on the hypothesis that raising awareness publically regarding the unsustainable and illegal nature of wildlife trade and its consequences might reduce their implication in it via a change in attitudes and

practices<sup>30</sup>. These interventions through the public are relatively many with numerous methods employed in educating the members the dangers of wildlife poaching and trophy trafficking which include and not limited to health and underdevelopment.

#### **1.6.4 Impact of International Trophy Trafficking on National Security**

Trophy trafficking has a brunt on existing conservation efforts as it has the likelihood of leading animal species into extinction. This has implications on biodiversity, ecosystems and the general national economies. Wildlife crime has been exacerbated by the existing vagaries of weather and it can be anticipated that challenges of climate change is a further gravest threat to wildlife in additional to animal trophy trafficking causing national insecurity and ecosystem shifts that is likely to affect resource base leading to conflicts

##### **1.6.4.1 Proliferation of Small Arms**

Kenya's geographical positioning is a major contributing factor because the country is surrounded by neighbours who have suffered from internal conflicts for a long time .This has trickle over effects including proliferation of small arms and light weapons leading to insecurity in the country and to greater extent facilitated insecurity incidences by proliferation of small arms. Both internal and external factors contribute to firearms related challenges. The negative impacts of small arms and light weapons accessibility and the following mishandling have since been felt throughout the country<sup>31</sup>. Pastoralist communities find access to the arms for purposes of protecting their livestock therefore being the most affected and believed to labour the highest number of illicit firearms. The increase in poaching of wildlife for trophies in the last decade is believed to be among

---

<sup>30</sup> TRAFFIC, *What's Driving the Wildlife Trade?, A Review of Expert Opinion on Economic and Social Drivers of the Wildlife Trade and Trade Control Efforts in Cambodia, Indonesia, Lao PDR and Vietnam*, (October). (2008)

<sup>31</sup> Wepundi M., et al, *Availability of Small Arms and Perceptions of Security in Kenya: An Assessment* (Geneva, Small Arms Survey) p. 21. Available at; <http://www.smallarmssurvey.org/fileadmin/docs/c-special-reports/SAS-SR16-kenya.pdf>. (Accessed on 5<sup>th</sup> Nov. 2015)

those aspects that have increased the demand for small arms. Alongside the growing demand is the current concerns about the possibility of proliferation of armed groups and the growth of the already existing criminal organised groups.

#### **1.6.4.2 Effects on Economy**

According to Kenya National Bureau of Statistics (KNBS) tourism account for 12% of Kenya's economy earning revenues that average \$ 1.1 billion annually, tourism occupies a central place in Kenya which is East Africa's largest economy after agriculture<sup>32</sup>. The challenges from organised criminals has a negative impact to a country's image which in turn is compounded with a number of issues on a country. Investments will mainly scale down while operations may close down. Jane mugo the executive director of FKE is reported saying that "the growing insecurity is among the main reasons explaining the declining tourist's arrivals in Kenya, the impact on tourism and employment has impacted all the members". The sector basically has a number of members who are affected by the advisories issued as a result of criminal activities especially those resulting from terrorist groups. This lead to loss of job opportunities and businesses that are affiliated to certain sectors, the overall impact then is the country's economy.

Among other things; crime impairs the overall development of a nation, undermines spiritual and material well being, compromising human dignity and create a climate of fear and violence<sup>33</sup>. Increased incidences of crime therefore interfere with security thus creating situations not favourable for economic development of a country. Example Kenya is an economical and business hub for national and international investors, tourist destination and its advantage in geographical positioning plays an influential position in international trade. The country is considered relatively stable thus attracting foreign

---

<sup>32</sup> Ibid

<sup>33</sup> E. Gimode, An anatomy of violent crimes and security in Kenya: A Case of Nairobi 1985-1999 (Abstract), 2001 p.1 available at <http://Unpan1.Un.org/intradoc/group/publicdocuments/IDEP/UNPAN011852.pdf>. Accessed on 9<sup>th</sup> Nov. 2015

investments and also served as a leading tourist destination and also hosting regional and international headquarters including that of United Nations. This however has since changed with crime and insecurity fundamentally affecting the country. Also being a central point for humanitarian aid to a number of victims of war from war-torn countries, the country cannot afford to exhibit insecurity aspect with the role it plays in hosting these refugees.

#### **1.6.4.3 Threats of Organised Criminal Groups**

Organised criminals usually carry out their activities in well-organised groups, internationally united to carry out illegal activities. They work to make profits through illegal activities, and because they operate internationally their actions are a threat to the global security often than not destroying legitimate business entities and also weakening government institutions.

#### **1.6.4.4 Spread of Crime**

Many crimes to some extent depress a society. Some crimes are very penetrative and don't affect an individual alone but it start to break down the fabric of the society. Animal trophy trafficking is a crime that by its very nature breeds more crime. Anybody who support the trafficking either by helping the smugglers commits a crime. For trafficking to succeed, a network of criminals work closely with corrupt individuals to make sure that they are able to circumvent the systems and avoid any detection by law enforcement personnel. In 2002 president Bush issued an order that implemented a zero-tolerance policy for activities of government employees and contractors who supported human trafficking<sup>34</sup>. Where there are opportunities to commit crimes, more crimes are committed. The demand for animal trophies by itself fuel trafficking, impunity and

---

<sup>34</sup> Walsh M. T., Helsinki Commission, House Armed Services Committee Examine Trafficking in Persons, HELSINKI COMM'N DIGEST, Dec. 15, 2004, available at <http://www.csce.gov/index.cfm>. Accessed 12th Nov. 2015

violence of criminal groups extending across borders with the aim of consolidating their market share within other hemisphere and expand their reach into other markets.

### **1.7 Theoretical Framework**

Transnational crimes that have seen a sharp increase with globalisation affects states and shape international relations between states. The status of the crime, factors influencing and overall mechanisms on controls in addressing the problem become important areas to focus.

In understanding what influences international animal trophy trafficking and its impacts, this study utilizes liberalism and rational choice theories in examining global, regional and national frameworks and the interactions of actors in international trafficking of animal trophies.

Despite the fact that the liberal theory emphasizes on rights, freedoms and cooperation among multiplicity of actors, this study was biased towards the cooperation element of the liberalists in studying the role of the various actors in the fight against international trophy trafficking.

Liberal theory recognises non-state actors as equally important in shaping the world politics. The interdependences among the many actors dictate that states negotiate with other states and non-state actors. Thus, liberalism view international relations as engagements with numerous entities of governing arrangements involving both the states and non-state actors which are achieved through cooperation and institutionalization<sup>35</sup> For effective policy formulation, implementation and monitoring , there is need for international cooperation that can only be possible through institutionalization.

---

<sup>35</sup> Oye, K., "Explaining Cooperation Under Anarchy: Hypothesis and Strategies", In *Cooperation Under Anarchy*, ed., K. Oye ( Princeton: Princeton University Press, 1989) pp 1-24

In the liberal view, institutions are likely to constitute focal point solutions to coordination problems and commitments aimed at shaping public expectations<sup>36</sup>. However, the institutional effectiveness will only hold within certain constraints depending on the pre-existing configuration of a number of sociological variables that include a state's development level, democratization, self-determination all which will determine the level of cooperation amongst various actors. Where states choose to cooperate and come up with institutions that sustain global cooperation, ensures that states make rational calculations that make national and international interests similar. However, regardless of these institutions, the attempt to fight international animal trophy trafficking has been hampered by the varying degree of effectiveness by different countries in the implementation of the enacted laws. The resultant gaps thus making it difficult to effectively deal with international trafficking. The liberalism theory guides this study in studying the roles of the multiple actors in international trophy trafficking. These include the criminal networks as well as the institutions.

Moreover, given that there is still motivation to engage in the vice despite the known penalties, the rational theory comes in handy in guiding the study in identifying the reasons behind continued involvement in this trade despite the enacted laws and creation of institutions in the fight against this trade. In trying to understand what influences decision making and how decisions are arrived at by actors, one theory that is considered to analyse why actors behave or make certain decisions is the rational choice theory.<sup>37</sup> The theory whose proponents are Blau, Coleman and Cook posit that man is a reasoning actor who weighs means to an end, costs and benefits before making the rational choice.

---

<sup>36</sup> K. J. Holsti, *The Dividing Discipline: Hegemony and Diversity in International Theory* ( Boston: Allen &Unwin ) pp42

The same theory contends people as free agents who are able to make rational choices in virtually all aspects of their lives.<sup>38</sup> Individuals possess preferences and will choose guided by them. Their actions within constraints and information that they possess about the conditions under which they are acting. It is not given that an individual will achieve all that they want and therefore they are faced with options of the goal and means used to obtain the goal. In this regard the individual chooses an activity that as a likelihood of resulting to highest reward.

### **1.8 Operational definition of Key Terms in the study**

**Trafficking** Deal or trade in something illegal. The term will be used to refer to the trading in animal trophy from source to destination markets without authorization.

**Animal Trophy** The term will be used to refer to the illegal contraband acquired from the poaching of wildlife by organised criminal group with the intention to traffic for illegal trade

**Covert** Not openly acknowledged or displayed. The term will be used to show the way the criminal groups operate without displaying their actions to the public.

**Organised crime** A crime that is planned coordinated and conducted by a group of people working together. A network of individual planning a crime from one given location and executing the plan in a different region or country.

**Protected Area** An area that is protection because of the natural recognition and

---

<sup>38</sup> Michael, D. L. & Gary, W. P. *Organised Crime* (Pearson Education, Inc, Prentice Hall, 2007) pp 61, 4<sup>th</sup> ed.



access is by authorised people only. The term will be used to mean the area where wildlife is poached is protected and any access is strictly through the authority of an authorised officer.

**National Security** The term will refer to security implications of a country as a result of animal trophy trafficking. The threat that causes fear.

**Institutional Frameworks** The term will refer to the principles or provisions available as well as any authority bestowed to an agency to perform certain functions. This will include both the formal and informal institutions governing the behaviour.

**Drivers** The term will refer to the factors that motivate and influence the trophy trafficking

## **1.9 Hypotheses**

From the review of literature and observation of the research sites, three broad hypotheses were formulated for testing in line with the stated research objectives

**H<sub>1</sub> Animal trophy trafficking is rampant internationally**

**H<sub>2</sub> Securing wildlife is dependent upon the effectiveness of the international community, institutional frameworks and other actors discharging their mandates**

**H<sub>3</sub> There is a relationship between international trophy trafficking and national security**

## **1.10 Research Methodology**

### **1.10.1 Introduction**

This chapter describes the method that was used to collect data that was pertinent in answering the research questions. It provided an overview of the research design, target population, sampling design, description of research instruments, description of data collection procedures, pilot test and data processing and analysis procedures.

### **1.10.2 Research Design**

The research design used in this study was descriptive in nature. Descriptive studies describe characteristics associated with the subject population portraying an accurate profile of the incidence, distribution and relationship of phenomena. Descriptive statistics discover and measure cause and effect relationships among variables. It enabled the researcher to collect in depth information about the population being studied. The design provided insight to research problems by describing the variables of interest with a view of defining, estimating, predicting and examining associated variables. This design derived proper and concise recommendations that adequately guided policy decisions of the nation and relevant institutions on the best solutions aimed at curtailing the challenges associated with international animal trophy trafficking.

The study was guided by four variables namely; the nature and state of animal trophy trafficking; efficacy of existing global, regional and national legal and institutional frameworks in addressing trophy trafficking; factors that influence the rise of international animal trophy trafficking in Kenya; and the impact of animal trophy trafficking to national security. This design provided insights into research problems by describing the variables of interest with a view of defining, estimating, predicting and examining associated variables.

### 1.10.3 Target Population

Population refers to the entire group of people, events or things of interest that the researcher wishes to investigate. The study targeted employees of Kenya Wildlife Service and selected conservation NGOs in Kenya across all management levels. This was important because these organizations and individuals equally have knowledge and information on the topic of study and facilitated in understanding of the crucial issues of the study.

### 1.10.4 Sampling Procedure

Sampling frame is an objective list of the population often divided into sub groups from which the researcher make a selection to help keep track of its representatives. The sample frame for this study was a complete list of the target population of the study which was reliably derived from the Human Resource departments of the study organizations (KWS and the selected NGOs engaged in wildlife conservation).

Due to limitation in time, finances and energy, a study could be carried out from a carefully selected sample of the total population to represent the entire population. Using the assertion, for the Kenya Wildlife Service, the generated sample from a population was 50 respondents while a census was adopted for the Conservation NGOs due to their small population size. As a result, the sample size was 117 as summarized in Table 3.

**Table 1.1: Target Sample Size**

<b>Organization</b>	<b>Sample size</b>
Kenya Wildlife Service	50

Wildlife Direct	20
International Fund for Animal Welfare	28
Born Free Foundation	19
<b>TOTAL</b>	<b>117</b>

### **1.10.5 Data Collection Instruments and Procedure**

The research instrument used in the study was a semi structured questionnaire with open and close ended. This instrument was found favourable in this study due to limitation of time. The questionnaire has the advantage of being convenient and easier to administer and results in a data suitable for analysis as designed by the researcher<sup>39</sup> The questionnaire will be divided into five sections of areas under investigation i.e. nature and status of international animal trophy trafficking in the world, efficacy of existing global, regional and national legal and institutional frameworks in addressing trophy trafficking, factors that influence the rise of international animal trophy trafficking in Kenya and the impact of international trophy trafficking on national security. All this will be preceded by a section dealing with general information of respondents.

Data was obtained mainly by use of questionnaire administered to the selected respondents. However, certain respondents were allowed to self-administer the questionnaire because of possible limited availability at period of research due to their busy schedules.

### **1.10.6 Pilot Test**

A pilot test was carried out before the main research in order to determine the reliability of the research instruments. This helped to improve data collection and to revise instruments where necessary.

---

<sup>39</sup> Mugenda M.O. A., and Mugenda G. *Research Methods: Quantitative and Qualitative Approaches*. . Nairobi : Acts Press, (1999), P.49.

### **1.10.7 Data Processing and Analysis**

The process of data analysis involved several stages namely; data clean up and explanation. The clean-up involved editing, coding and tabulation in order to detect any anomalies in the responses and assign specific numerical values to the responses for further analysis. The questionnaires were edited for completeness and consistency.

The completed questionnaires were checked for consistency and then coded. The coded questionnaires were then entered into a Statistical Packages for Social Scientist (SPSS) computer software for analysis and analyzed using descriptive and inferential statistics including means scores, standard deviations, frequencies and percentages with a view of analysing the information in a systematic way in order to come to some useful conclusions and recommendations whose findings are presented in tables.

### **1.11 Ethical Consideration**

This study was carried out with the full approval of research approving institution in Kenya, KWS and individual approval by the randomly picked NGOs' officials. This was done in accordance with stipulated guidelines of ethics, code of conduct and research commitments of the respondents. All information gathered were utilized for the intended purpose of this research and remained confidential throughout the study period.

### **1.12 Chapters outline**

The project was divided into six chapters. The contents of the chapters in the study are heightened to enable the leader in accessing the chapters easily.

**Chapter one:** background of the study, statement of the problem, research questions, objectives of the study, justification of study under academic and policy, literature review, theoretical framework, hypothesis and research methodology used in conducting the research.

## **Chapter two: Nature and status of international animal trophy trafficking**

The chapter provides an analysis of the nature and status of international trafficking, drivers, actors and combating of international trafficking.

## **Chapter three: Institutions, Legal Frameworks and actors for combating International Trophy Trafficking**

The chapter provides an analysis of the efficacy of institutions, legal frameworks and actors for combating international trophy trafficking

## **Chapter four: Factors influencing rise in animal trophy trafficking**

The chapter provides an analysis of the factors influencing the rise in animal trophy trafficking ranging from globalization, demand, as well as the social, economic and political environmental factors.

## **Chapter five: Impact of international trophy trafficking to national security**

This chapter provide an analysis on the impact of international trophy trafficking to national security by analysing proliferation of small arms, effects of economy, organised criminal groups and spread of crime.

## **Chapter six: Analysis of findings, conclusions and recommendations**

This chapter analyzes the study findings, make conclusions and recommendations based on the study findings.

## **CHAPTER TWO: NATURE AND STATUS OF INTERNATIONAL TRAFFICKING**

### **2.1 Introduction**

International organised crime is evidenced by contemporary literature and sufficient quantitative data to validate the spread of crime worldwide. A subsequent rise in organised criminal groups and the amount of crime ascribed to them accompanies this rise in criminal activity. These groups are becoming incredibly influential and a compelling force in the international arena.

Despite the known decorations and assertions that illegal wildlife trade is a potentially vast illicit economy, the vice is valued at billions of dollars each year. The most lucrative illicit wildlife commodities include elephant ivory, rhino horn, sturgeon caviar, and so-called “bush meat<sup>40</sup>.” Wildlife trafficking is mutually an environmental risk as well as a universal transnational security. The players in animal trophy trafficking are many and comprise groups like terrorist groups, foreign military units, insurgent groups as well controlled criminal syndicates all for monetary gain.

### **2.2 Status and Extent of International Animal Trophy Trafficking**

The International Conservation Caucus Foundation (2013) posits that despite the global commitments to protect threatened species from overexploitation, the scope and scale of illegal wildlife trade has risen to historic levels<sup>41</sup>. In Eastern Africa and Kenya specifically, African elephant populations which had been recovering for two decades are now witnessing a resurgence of large-scale poaching due to higher market demand in Asia.

---

<sup>40</sup> Wyler L.S and Sheikh P.A., International Illegal Trade in Wildlife: Threats and U.S. Policy, Congressional Research Service Report for Congress (2013).

<sup>41</sup> International Conservation Caucus Foundation (ICCF), “The African Poaching Crisis,” website, accessed March, 28.

From 2000 through 2013 the number of large-scale ivory movements has steadily grown in terms of the number of such shipments and the quantity of ivory illegally traded.

According to United Nations Office on Drugs and Crime, many countries across the world, there exist organised criminal groups which vary in activities, and may be similar in the consequences. Common to all countries is that these groups are a threat to peace, stability and development and therefore the need to control or eradicate their activities.<sup>42</sup>

Management of the groups requires a good understanding of the group dynamics and operational mechanisms and the nature of existence concerning funding of their operations and any protection that can be connected to a specific group. It's imperative to note that owing to the criminal nature of the group, carrying out any studies into such groups can be exceedingly challenging owing to the fact that the groups function in covert and closed systems which may pose challenge to infiltrate into in addition to the risk associated with conducting such studies

The World Wide Fund for Nature noted that the high prices for illegal wildlife, aided by the lax law enforcement and security measures have motivated the involvement of transnational organized crime syndicates, who view such trafficking as an opportunity for large profits with a low risk of detection<sup>43</sup>. Even where protective measures are implemented, minimal results have been achieved with little deterrent effect. Traffickers are notorious for employing sophisticated equipments for poaching undertakings including night vision goggles, military-grade weapons, and helicopters. The number of wild animals taken illegally and exchanged through the worldwide black market in wildlife trophies is incredibly difficult to assess. Persistence of inadequately governed or

---

<sup>42</sup> United Nations Office on Drugs and Crime: *Results of a Pilot Survey of Forty selected Organised Criminal Groups in sixteen Countries*. September, 2002

<sup>43</sup> World Wide Fund for Nature (WWF) and Dalberg, *Fighting Illicit Wildlife Trafficking*, 2012.



ungoverned spaces around the world, which present opportunity for transnational crime means states with strong law enforcement are also susceptible to trickle over effects.

In some respect poaching and international animal trophy trafficking resemble that of illicit drug industry where the harvest moves through a chain of stages and at the same time it's value increases almost at all stages. Trafficking of cocaine involves vertical integration, that is, some, or all of the stages along which the drug passes from source to consumer are controlled by the same network<sup>44</sup>. Transnational trafficking of animal trophies is exceedingly characterised by a array of specialised workforce who employ in established markets and marketing networks internationally rather than engaging unknown and untested individuals.

Ivory has played a momentous function in the art and traditions of many people around the world and particularly in the far Asian countries where ivory products and its derivatives encompass various reasons stemming from culture, recognition and also as a professed cure of certain ailments. The Romans had wiped out North Africa's population for ivory trade, leading to their extinction by 7th century<sup>45</sup>. Range elephant and rhino states and especially the African known ranges have had to and are to date struggling with the increased poaching for animal trophies that if not well put into checks with appropriate measures the populations that are currently under threat may be wiped out in a few decades to come. In the 15th century, profitable trade with the Middle East, India, China and, subsequently, Europe facilitated the extensive settlement of Swahili ivory and slave traders along the East African coast<sup>46</sup>. Between 1500 and 1700 A.D., Europe was importing about 100-200 tonnes of ivory per year and by the late of 19th century,

---

44 United Nation, World Drug Report: United Nations International Drug Control Programme (United States, Oxford University Press Inc., New York, 1997) pp 123

45 Ibid

46 Hakansson, N. T. The human ecology of world systems in East Africa: The impact of the ivory trade, Human Ecology, 32(5), 2004.561-591.

European ivory imports may have been as high as 700 tonnes, representing 60 000 elephants killed per year<sup>47</sup>. East Africa has also witnessed a major peak in ivory demand from the Far East countries hence spurring the increased poaching and trafficking of these commodities. This greatly contributed to increase in poaching of the African elephant because of the available markets of Europe and other regions. Tied to the globalisation that came with the 21<sup>st</sup> Century that saw communication and air transport easier, make networking easier than before, it fuelled the poaching even higher.

Throughout much of the 20th century, the hunting of African elephants for their ivory (Both legal and increasingly illegal) continued to decimate populations across the continent. The 1970s and 1980s witnessed another period of large-scale, ivory-driven uncontrolled exploitation of elephants particularly in Central and Eastern Africa<sup>48</sup>. As noted by TAWIRI, the increase in poaching was also driven by a growing market for ivory goods in the USA, Europe and Japan for piano keys and billiard balls. These mass killings of elephant halved the population from approximately 1.3 million in 1979 to 600 000 in 1989. In East Africa, elephants dramatically declined in response to the poaching during this period, for instance, Uganda's elephant numbers fell from 17 600 to 1800, Kenya from 130 000 to 19 000<sup>49</sup>.

The sharp decline in the population of elephants prompted the CITES to remove the African elephants from Appendix II (which permits regulated international trade under special conditions) to Appendix I (which prohibits international trade), effectively banning trade in ivory.

---

<sup>47</sup> Stephenson, P. J., WWF Species Action Plan: African Elephant, 2007-2011, World Wide Fund for Nature, Gland, Switzerland.2007.

<sup>48</sup> Said, M. Y., Chunge, R. N., Craig, G. C., Thouless, C. R., Barnes, R. F. W., & Dublin, H. T. *African Elephant Database 1995*, Paper presented at the IUCN Species Survival Commission., IUCN, Gland, Switzerland.

<sup>49</sup> Douglas-Hamilton, I., Africa elephants: Population trends and their causes, *Oryx*, 21(1), 1987 p.11-24

The effect of the CITES ban on the trade in elephant products including ivory, reduced poaching pressure on many savannah populations. As a result some populations increased, for instance, in Kenya from 19 000 to 29 000 in 2005 and Tanzania from 55 000 to 110000 in 2006<sup>50</sup>. During this period, Selous-Mikumi ecosystem elephant population rose from about 22,200 to about 55,000 elephants<sup>51</sup>. This shows the elephant population in Africa in general and Tanzania in particular, recovering substantially. Other range states such as the Republic of Congo, Angola, Central African Republic and Zambia continued to experience the challenges of poaching that led to significant number of elephants being poached and could be attributed to the civil wars, political instability and corruption in this countries in the same period.

However, legal sales of 110 tonnes of ivory from Namibia, Botswana, Zimbabwe and South Africa in 1997 and 2008 to Japan approved by CITES can be sighted as having fuelled the demand for ivory and made it easier for illegal ivory to enter the market because the criminals and especially because of corruption in one way or another they could make sure that consignments of illegal ivory find its way to the legal consignments. This was evidenced by a seizure of more than 16 tonnes of illegal ivory in different parts of the world in 2009, which is more than double the amount seized the year before<sup>52</sup>. This contributed to the proposal submitted by Tanzania and Zambia to CITES Convention in the subsequent convention of parties seeking to down list their elephant populations to Appendix II, in order to pave way to trade in over 110 tonnes of ivory stock piles being rejected where delegates sighting similar opening of 1997 and 2008 that was seen to have contributed to increased poaching and trafficking.

---

<sup>50</sup> TAWIRI, *Tanzania Elephant Management Plan 2010-2015*, Tanzania Wildlife Research Institute, Arusha-Tanzania. 2010.

<sup>51</sup> Ibid

<sup>52</sup> Gabriel, G., Hua, N., & Wang, J., *Making a killing: A 2011 Survey of Ivory Markets in China, USA, Yarmouth port, Massachusetts*, 2012, pp. 776-787

The US is both one of the world's biggest markets for illegal wildlife and wildlife products, Many believe it is only second to China.<sup>53</sup> Trafficking of wildlife trophies is a global challenge where buyers from far and wide the globe have had contribution to the problem. The extent of quantities traded is frightening. Law enforcement and other professionals have a sentiment that illegal animal trophy trade may outdo the legal trade although an inclusive data showing its scale is not available.

Most large consignments of ivory are reaching the Asian markets through the eastern Africa sub-region. This is because Kenya, Uganda and Tanzania accounted for nearly 83 percent of the total volume of ivory seized for which the country of origin or export was known and continue to increase at alarming rates<sup>54</sup>.

Since 2009, trade routes were found to have shifted from West and Central Africa seaports to East Africa, with Tanzania and Kenya being used as the primary exit points for illegal ivory trade where illegal consignment of ivory and rhino horns were leaving the continent through Indian Ocean ports (Mombasa, Dar es Salaam and Zanzibar). But over the last two years, trade routes used by traffickers appear to be shifting as new countries such as Togo and Ivory Coast emerge as exit points in Africa, with Indonesia, Spain, Sri Lanka, Turkey and United Arab Emirates as new transit countries<sup>55</sup>. Therefore, Tanzania and Kenya have been found to heavily be contributing to the ivory trade as a source and exit of large-scale illegal ivory consignments than any other country in Africa. Therefore this is seen to reflect the shifts in poaching patterns from Central and West Africa towards Southern and Eastern Africa pointing to the current poaching trend in

---

<sup>53</sup> Neme A. L. *Animal Investigator: How the First Wildlife Forensic Labs Solving Crimes and Saving Endangered Species*. Scribner New York, 2008

<sup>54</sup> CITES, IUCN, & TRAFFIC, Status of African elephant populations and levels of illegal killing and the illegal trade in ivory, *A report to the African Elephant Summit, December, 2013*. Gaborone, Botswana.

<sup>55</sup> Ibid

Africa remaining far too high, and could soon lead into extinction of the magnificent animals leaving only a tale to tell if the present poaching rate continues.

Animal trophy trafficking that happens around the globe paints a worrying trend worldwide. Due to its gravity, the problem is no longer localized to certain parts of the globe but it has grown to become a massive global industry. Various organizations and reports estimate that the trade is worthy at least US\$ 19 billion year where a 2011 report from Global Financial Integrity, a program of the Centre for International Policy, analysed the scale, flow, profit distribution and impact of the main types of illicit trade and found out that illegal wildlife trade, including timber and fisheries is the fourth largest global illegal activity after narcotics, counterfeiting and human trafficking and ahead of oil, art, gold, human organs, small arms and diamonds<sup>56</sup>. The illegal international animal trophy trafficking is found to be closely competing with drug and arms trafficking in terms of revenue generated for the criminal business and the threats to insecurity, this is despite the illegal enterprise coming up behind the other two. This is an indication of the magnitude in which the illegal trophy trafficking has and still gaining momentum. The perpetrators of the illegal transactions conduct the activities in a covert manner and often than not by engaging other criminal elements. This result in security enforcements personnel not being able to comprehend and understand the linkages of criminality involved in the global animal trophy trafficking.

### **2.3 Actors involved in Animal Trophy Trafficking**

Today, it is an accepted fact that illegal wildlife trade is happening internationally. The first stage which involves the *Source countries*, with specific species (desired by consumers) in abundance or rare and unique species promoting the accessibility by the criminals. The next countries can be categorised as *Transit countries* and can be identified

---

<sup>56</sup> Valerie Hickey; The Global Security Implications of the Illegal Wildlife Trade (2013). Available at [www.ifaw.org](http://www.ifaw.org).

by the presence of possibilities of facilitating illegal animal trophy trafficking trade such as good infrastructure (roads, airports and seaports), strategic geographic location (between source and consumer countries), special trade agreements, level of governance that can permeate corruption'. Final stage countries are the *Consumer countries*, this is where buying power and demand for animal trophies is found. In the case of trade routes from Africa to Southeast Asia, major consumer countries are China and Vietnam<sup>57</sup>.

The actors involved in animal trophy trafficking are hunters, traders, processors, and the retailers as discussed in this section.

#### **2.4 Impact of International Trafficking**

The impact of animal trophy trafficking internationally affects economic development of the source country where wildlife represents a very important contributor of a country GDP and more specifically because of lack of payment of customs duties to the budgets of exporting country. In some countries, it impacts on the political stability because it is used as a means of financing militia operations by non-state actors. In a statement by Defenders of Wildlife President and CEO Jamie Rappaport Clark: “ This is a critically important signal to the world that the world’s two largest economies are taking the threat of climate change and the challenge of wildlife trafficking very seriously and have committed themselves to taking concrete steps to address these problems.<sup>58</sup> The statement is a reaction to the U.S. and China’s announcement to join forces in the effort to combat climate change and wildlife trafficking in both countries.<sup>59</sup> To combat the impact of trophy trafficking globally, leaders in the international community and specifically those

---

<sup>57</sup> Ibid

<sup>58</sup> Craig Kasnoff: U.S. and China to Fight Climate Change and Wildlife Trafficking. A news release. September 25, 2015. Available at [bagheera.com](http://bagheera.com). Accessed on 30<sup>th</sup> Dec, 2015.

<sup>59</sup> Factsheet: The United States and China Issue Joint Presidential Statement on Climate Change with New Domestic Policy Commitments and a Common Vision for an Ambitious Global Climate Agreement in Paris. Available at; <http://www.whitehouse.gov/the-press-office/2015/09/25/fact-sheet-united-states-and-china-issue-joint-presidential-statement>. Accessed on 30th December 2015

from the supplying and receiving countries need to collectively network and deepen the levels of cooperation in information sharing aimed at positioning individual country governments in countering the transnational criminal networks of animal trophy trafficking more effectively. This will enhance the planning and implementation of a country's and regional legislations and also will help in the review aimed at invoking stricter penalties against trophy traffickers.

The rise in involvement of organised crime syndicates in rhinoceros and elephant tusks poaching and illegal trade in South Africa can be traced back in the arrest of three Chinese and eight South Africans and Mozambicans charged with smuggling of about fifty rhino horns out of Kruger National park. The government of South Africa placed a National Moratorium on trade on rhino horns in the year 2009. Zambia, Namibia, Kenya and Zimbabwe have also experienced unprecedented poaching of both elephants and rhinoceros for the horns by the organised criminal groups. In 2010 Zimbabwe jailed a poacher for seventeen years; in 2009 Namibia charged two men in court for attempting to sell rhino horns. Kenya poaching wave can be seen as slowest to reach east Africa, in 2012 to 2014 the country experienced poaching activities where in Tsavo National Park eleven elephants were poached in mass for trafficking in a single incident. In May 2012, seven rhino horns were recovered from a baggage of a Vietnamese national at Maputo International Airport in Mozambique as he attempted to board a Kenya Airways flight. As it has been witnessed in other illicit markets, smaller interceptions have been realised in regional levels. In December 2014, a suspected organised crime leader Feisal Mohamed alleged to be a leading figure in the illegal ivory trafficking was arrested by Interpol agents in Tanzania. Feisal is linked to an estimated more than two tonnes of ivory that was found in Mombasa in Kenya as it was being prepared for shipment through the port of Mombasa in June 2014.

## **2.5 Drivers of International Animal Trophy Trafficking**

International animal trophy trafficking that include sale or exchange of animal trophies that is mainly priced is traded within the national borders and a large volume of trade is happening internationally. There are various causes of animal trophy trafficking including; for ornaments, sports, healthcare, religion and collections.

Internationally, the traffickers continue to ply their trade using channels that are increasingly internet based. Effortless access to internet has made dealing in wildlife trophies easier and faster and even more profitable than it was before. This is because of communications from far and faster than ever before. Negotiations are done through internet and also marketing and advertising for the products is mostly through internet. This is basically true for all species including big and small. Long ago the trade would take long period during the movement of the trophies to the destination markets; the usually long cycles have now been reduced to days as a result of online sales. More recently IFAW turned its attention to online classifieds platform craigslist, in its investigation IFAW examined U.S. craigslist sites in 14 cities and 14 smaller metro areas over four days, the group found 522 postings for ivory, suspected ivory and other wildlife items.<sup>60</sup> As human populations have grown, so has the demand for wildlife. A high population that has impact on employment is a contributor of people engaging in trophy trade. People in developed countries have also become used to a lifestyle which fuel demand for wildlife. The collectors of trophies and mostly from the developing countries who depend directly on wildlife for consumption and as a means of earning a livelihood is a concern of irresponsible act that threatens the vital resource where the most affected are the poorest people in the same developing nations.

---

<sup>60</sup> Mary C. O'Connor, *Inside the Complicated World of Online Wildlife Trafficking*, 2015. Available at Theguardian.com. accessed on 28 December, 2015



Demand for animal trophies is ubiquitous and a major cause of trophy trafficking. Some countries and regions with the highest demand include the United States, The People's Republic of China, and the European Union<sup>61</sup>. A UN conference in Vienna reported a growing demand for ivory and rhino horns which was linked to fuel the ivory and rhino horn trafficking. Wildlife trafficking has come behind other known illicit trades in drugs, arms and human beings. John Scanlon, Director-General of the Geneva based Convention on International Trade in Endangered Species (CITES), reported that the growing demand for ivory and rhino horns had triggered a startling increase in poaching of wild animals. In a conference in Vienna, the UN Office on Drugs and Crime called for the member states to increase the enforcement on the part of exporting countries. It is the responsibility of states to punish those who import the trophies just like for other trafficking offences.

The availability of these products from the source countries for both legal and illegal sources is mainly from the developing countries. Kenya, Tanzania, South Africa, Uganda among other range states in the developing countries have a rich biodiversity but the same countries experience weak governance and poor law enforcement capacity which result to high vulnerability to international animal. The challenge posed by transnational organised crime, through its ability to transcend borders and commit crime far from its origin, its undercover nature of its operations coupled with its ability to corrupt and subvert government officials make it difficult for countries to anticipate the threat. The perpetrators try to match the supply and demand taking advantage of the high margins of profits.

Another factor that drive animal trophy trafficking is the high profits associated with animal trophies. According to Richard W. in (global security concerns,) Roy Godson, of

---

<sup>61</sup> Liana S. Wyler & Pervaze A. Sheikh, *International illegal Trade in Wildlife: Threats and U.S. Policy*. A Report for the Members and Committees of Congress, 2008, p.15. Available at [fpc.State.gov](http://fpc.State.gov). Accessed on 29<sup>th</sup> Dec 2015

Washington's National Strategy Information Centre, estimates the annual worldwide profits for all organized crime activities at \$ 1 trillion, almost the size of the United States federal budget.<sup>62</sup> Due to the promising returns, the resultant impact is certain species will become even more endangered resulting from their prices getting higher and higher as their products become even rare and eventually extinct.

Transnational organised crime perpetrators and collectors as well as the small scale armed are attracted to the high profits and low accountability associated with the crime. Weak legislations across countries and low rates of prosecution contribute to sizable profit margins for those involved in the trafficking. Widespread corruption, mismanagement and weak penalties for wildlife crime coupled with a lack of political will to stand up to wildlife crime enables armed non-state actors such as the Janjaweed and the Lord's Resistance Army to fund their operations predicated on the dwindling elephant populations of Central Africa.<sup>63</sup> In recent past there has been efforts in the fight against animal trophy trafficking. This has been seen where conventions on wildlife conservation have been witnessed, a good example is the CITES that for decades has been that monitors and regulates the wildlife trade and trafficking. Even in cases where there is political will to address the problem of wildlife trafficking, some governments suffer from capability gaps, including insufficient personnel, training and expertise, funding and other infrastructures.<sup>64</sup> The business being a multi-billion entity, penetration to achieve the end chain is possible with money changing hands in order to evade the law enforcers. Training and recruitment of informers for counter-intelligence by the criminal groups with higher rewards than what the government is able to offer. This leaves the informers

---

<sup>62</sup> Karl P. Magyar *Global Security Concerns: Anticipating the twenty-first century*,( Air University Press., 2<sup>nd</sup> ed. 2000) P.90

<sup>63</sup> Ian Douglas-Hamilton, 'Time Running Out to Save Elephants from Ivory Trade', SWARA Magazine, Issue 1, Jan-Mar, p.23

<sup>64</sup> Ibid

to choose to work with the criminal gangs for the sole purpose of generating more money and it is a security threat to the enforcement agents as the informers turn to double-deal in the process. This has presented a challenge in terms of gathering information towards trophy poaching and trade.

A cross cutting issue indeed is that response to animal trophy trafficking will require both effective natural resource management systems in addition to the specialised law enforcement and legal sector that can effectively and sufficiently investigate and prosecute wildlife offenders because regulating international animal trophy trafficking is more and will become even complex and resource intensive. Review of the strategies engaged in information gathering, awareness on the impacts of trophy trafficking to the local populations will play a key role in the mitigation of trophy trafficking.

Structural drivers to a greater extent contribute to the crime, the illegal animal trophy trafficking continue to thrive as a result of a complex web of socio economic and political situations that are beyond the focused international programs and agreements. Conflicts of interest in the management of wildlife, corruption, poverty and absence of alternative livelihood accelerated by the constant demand for the illicit animal trophies and lack of public awareness on the impacts and effects of such demands significantly contribute to global animal trophy trafficking. Gamba V. in her book, “Society under Siege” notes that the weakness of a state facilitates the rise in organised crime. She says that during the 1970s and 1980s, the weakness of Colombian state and its lack of control over territory nominally under its jurisdiction was a major factor in explaining the rise of Colombia as a corporate headquarters of the South American cocaine industry<sup>65</sup>. High poaching levels are prevalent in countries where governance is weak and vice versa. This may be a casual

---

<sup>65</sup> Gamba V., *Society Under Siege: Crime, Violence and Illegal Weapons*, (South Africa, Institute for Security Studies) p.19

relationship with poor governance facilitating the illegal killing and trafficking of ivory and rhino horns, be it through ineffective law enforcement or active aiding and abetting by unscrupulous officials. Lack of collaboration and coordination among relevant institutions with a role to play in the circles of preventing trophy trafficking causes increased gaps and an opportunity is created for the criminal gangs to complete their activities.

In most of the developing countries and in fact even to certain extent developed, people live in different clusters in terms of wealth and the amount of money one can take home after a long day's work. Depending on what one is doing will determine what one take home, however the genuity of the job does not really translate the more one earns at the end of the day. This has been found to entice many into engaging in illegal illicit transactions that at the end of the day will bring more money. This has greatly contributed to people with little earnings being easily recruited into illegal trafficking of animal trophy trafficking as it is associated with big difference margin returns between the source country and the destination market nations. The huge profits have resulted in the illegal enterprise owners persuading and recruiting people with little earnings into the trafficking business.

## **2.6 Provisions of Addressing International Animal Trophy Trafficking**

Enforcement and Awareness related interventions are considered as the core elements of mitigation today<sup>66</sup>. Enforcement mechanisms encompass legislative and regulatory interventions towards poachers, transporters, middle-men, traders and consumers of animal trophies (the institutional, legal and actors involved in addressing internal trophy trafficking are discussed in detail in chapter three of this project). Such interventions aim to reduce the illegal animal trophy trade by strengthening level and range of restrictions

---

<sup>66</sup> Ibid

and discourage participants. Two types of intervention can be applied, the preventative interventions that are targeted at banning trades of specific wildlife products and the regulative interventions that aim at developing controls and quotas on wildlife trade mainly done by the CITES and to certain extent the individual countries.

Consideration the seriousness of illegal wildlife trade also affects the development of a coherent legislative framework. For instance, rhino horns trade is regulated between Africa and Asia by CITES permits, attesting the legal nature of the trade. However, it appeared that such system is inefficient due to the presence of corruption within competent authorities and the opportunities to develop a lucrative business easily between concerned agents.

Furthermore, the lack of credibility in regard to law making, criminal investigation, prosecution and sentencing is a major barrier to enforcement. The absence of credible enforcement mechanisms incentivizes involvement in illicit wildlife trafficking as an alternative to other crimes such as drug trafficking or human trafficking. In many of the source and consumer countries, wildlife crime carries a lower risk of detection and prosecution than other illegally trafficked items such as drugs and humans. Even when found guilty, those who have profited from illicit wildlife trafficking receive relatively low penalties, making the business an attractive option for criminal groups.

Finally, the presence of external factors encouraging the illegal wildlife trade hampered the impact of the countering initiatives. The presence of corruption in the involved countries combined with a lack of commitment and insufficient cooperation between local authorities prevent the initiatives from operating efficiently. In addition, on the consumer end, the increase of economic wealth in Southeast Asian countries combined with the presence of strong cultural and social habits heavily strengthen the demand for wildlife products.

Enforcement initiatives involve various participants but there is a strong focus on working with local authorities and the public in order to ensure that legal framework is properly implemented<sup>67</sup>. Lack of understanding contributes furtherance of crime as some engage in trophy trade due to lack of know-how. The inability to give an account of the actions, accountability requires that an individual possess an enhanced degree of fiscal awareness<sup>68</sup>. Language factor is relevant in enforcement of legislations. English is not only a predominant vehicle of communication and patterns of thinking. Trophy trafficking awareness and especially with various actors across the globe it is prudent that regulations and legislations are well understood even for the English non-speaking individuals.

There remains a lack of international consensus of approaches on how to best address elephant ivory trafficking.<sup>69</sup>. To strengthen its initiatives, it is supported by other international institutions such as Interpol, the UN Office on Drugs and Crime, and the World Customs Organization in addition to country domestic initiatives that include legislations and other regulatory measures.

Through a system of Appendices, CITES lists and sort species from Appendices I to III with specific levels and measures of protection (CITES). By global agreements, CITES members engage themselves to undertake appropriate measures within their respective countries and corresponding issues. However such system appeared to be incoherent because of its generalist approach and insufficient attention to national and regional

---

<sup>67</sup> Majumdar, O., Galster, S. & Goessman, D., *Reversing the Tide of Wildlife Poaching and Trafficking*.

<sup>68</sup> Karl T. P., "1: Accountability and the Role of Internal Oversight in the United Nations," in *Government Ethics and law enforcement: Towards Guidelines*, ed. William P. Carter, Yassin El-Ayouty, Kevin J. Ford, and Mark Davies ( Westport, CT: Praeger Publishers, 2000) pp. 13 <http://questiaschool.com/read/27648436/government-ethics-and-law-enforcement-toward-global>

<sup>69</sup> Liana S. Wyler & Pervaze A. Sheikh: *International illegal Trade in Wildlife: Threats and U.S. Policy* (2013) p.15

A report to the members and committees of congress. Available at [fpc.state.gov](http://fpc.state.gov). Accessed on 28<sup>th</sup> December 2015.

details<sup>70</sup>. This generalization generally has an impact in certain nations and regions because of different capabilities of different countries resulting to factors like the different in the global economies where developing countries with their less economies the insecurity tend to be higher and therefore the need for the attention to certain national individual needs.

In the efforts of government towards the fight in the illegal animal trophy trade, there has been an increased involvement of civil society through conservation non-governmental organizations (NGOs). Such organisations contribute towards identifying issues of concern, champion campaigns, collaboration and offer information and even demand certain actions from governments.

Local NGOs also contribute towards mitigating wildlife crime on a local scale where some are directly involved in trophy trafficking operations. By functioning at the grassroots level, they assume essential activities in the field as well as collect substantial understanding of the local framework within which they are evolving. They also undertake issues with less constraint where such approaches facilitate in highlighting important issues on the international scene towards illegal wildlife trade and traffickings.

Already at the UN conference on Sustainable Development 2012 (Rio+20), the international community recognised “the economic, social and environmental impacts of illicit trafficking in wildlife where firm and strengthened action needs to be taken on both the supply and the demand sides.”<sup>71</sup> Supposedly, the supply nations are mainly categorised as developing nations whose action through the prescribed mechanisms bear minimal successes in the fight against animal trophy trafficking. Financial constrains in this

---

<sup>70</sup> Duffy, R. "Nature Crime, How we're getting conservation wrong." 2010.

<sup>71</sup>[http://www.uncsd20.org/content/documents/727The%20Future%20we%20Want%2019%20June%20123pm.pdf\(para 203\)](http://www.uncsd20.org/content/documents/727The%20Future%20we%20Want%2019%20June%20123pm.pdf(para%203))

countries coupled with lack of expertise in the legal field of prosecutions and investigations aimed at punishing the traffickers is one major challenge that global community need to pay attention to and address if the vice is to be contained. Although financial assistance has been received from some sectors, much of the finances end up in areas of less priority of the recipient country, this is because the donors specify the areas the finances are to be directed disregarding the priority areas as seen by the receiving country. In the EU action plan against wildlife trafficking, the plan indicated that the EU has provided significant financial support and development assistance to anti-wildlife trafficking efforts in the developing countries, in Africa alone it has committed more than EUR500 Million for biodiversity conservation for the past 30 years, with a portfolio of on-going projects worth approximately EUR 160 Million and the support is expected to increase significantly over the next years as part of the B4life initiative.<sup>72</sup> Restrictions that accompany financial assistance yield insignificant results because of micro-managing of finances, the likelihood of any positive results is reduced. Leaving the receiving nations with no options to allocate the finances according to their immediate need, the arrangement not only leave the activities of importance without being addressed but also it demoralise the receiving nations because they are not left to prioritise their situations depending.

## **2.7 Summary**

This chapter has noted that unsustainable and illegal trophy trafficking threatens the survival of many endangered species due to overexploitation. This chapter notes that animal trophy trafficking is rampant internationally. It has been illustrated that despite the global illegal wildlife trade continues to rise. It has been illustrated that animal trophy trafficking that happens around the globe paints a worrying trend worldwide. Due to its

---

<sup>72</sup> European Commission: EU Action Plan Against Wildlife Trafficking,( 2015) p. 1, available at [ec.europa.eu](http://ec.europa.eu). Accessed on 30<sup>th</sup> December 2015



gravity, the problem is no longer localized to certain parts of the globe but it has grown to become a massive global industry.

The commitments to protect threatened species from overexploitation, the scope and scale of actors involved in animal trophy trafficking are hunters, traders, processors, and the retailers. The impact of animal trophy trafficking internationally affects economic development of the source country. In some countries, it impacts on the political stability because it is used as a means of financing militia operations by non-state actors.

From the literature reviewed, it is clear that there are various causes of animal trophy, it trafficking including; for ornaments, sports, healthcare, religion and collections. The persistence of essentially ungoverned spaces around the globe means that even states with strong law enforcement are vulnerable to spill over effects. The challenge posed by transnational organized crime, through its ability to transcend borders and commit crime far from its origin make it difficult for countries to anticipate the threat. Another factor that drive animal trophy trafficking is the high profits associated with animal trophies. Moreover, It is clear that corruption, mismanagement and weak penalties for wildlife crime coupled with a lack of political will to stand up to wildlife crime enables armed non-state actors to engage in demand for animal trophy trafficking. Conflicts of interest in the management of wildlife, corruption, poverty and absence of alternative livelihood accelerated by the constant the illicit animal trophies and lack of public awareness on the impacts and effects of such demands significantly contribute to global animal trophy trafficking

The literature reviewed points out that legislative and regulatory intervention towards poachers, transporters, middle-men, traders and consumers of animal trophies are considered. The absence of credible enforcement mechanisms motivates involvement in

illicit wildlife trafficking as an alternative to other crimes such as drug trafficking or human trafficking. However, the lack of credibility in regard to law making, criminal investigation, prosecution and sentencing is a major barrier to enforcement. In many of the source and consumer countries, wildlife crime carries a lower risk of detection and prosecution than other illegally trafficked items such as drugs and humans.

The findings in this chapter contribute towards achieving the first objective. The chapter shows that the nature and magnitude of international trophy trafficking is enormous. This then confirms the first hypothesis of the study that animal trophy trafficking is rampant internationally.

**CHAPTER THREE: INSTITUTIONS, LEGAL FRAMEWORKS AND ACTORS  
FOR COMBATING INTERNATIONAL TROPHY TRAFFICKING: AN  
ANALYSIS**

**3.1 Introduction**

Enforcement and Awareness related interventions are considered as the core elements of mitigation today<sup>73</sup>. Enforcement mechanisms encompass legislative and regulatory interventions and establishment of state agency responsible for the prevention of trafficking by poachers, transporters, middle-men, traders and consumers of animal trophies. Such interventions aim to reduce the illegal animal trophy trade by strengthening level and range of restrictions and discourage participants. Enforcement initiatives involve various participants but there is a strong focus on working with local authorities in order to ensure that legal framework is properly implemented<sup>74</sup>.

The problems in the existing institutions in addressing animal trophy trafficking are not with the strictness of the laws but rather on their implementation. Wildlife is still considered state property thus discouraging/disconnecting communities from fighting poaching and illegal ivory trade. This disconnection of wildlife ownership from communities has resulted into proliferation of corruption from the arrest of poachers to their acquittal in courts of law<sup>75</sup>. It is paramount for the actors in addressing animal trophy trafficking to improve capacity for law-enforcement through decentralization of wildlife and protected area governance to communities to tap on community support in these efforts.

---

<sup>73</sup> Ibid

<sup>74</sup> Majumdar, O., Galster, S. & Goessman, D. *Reversing the Tide of Wildlife Poaching and Trafficking*, (2014).

<sup>75</sup> WWF / Dalberg (2012), *Fighting illicit wildlife trafficking: A consultation with governments*, WWF International, Gland, Switzerland.

### **3.2 Geopolitical factors and governance**

Developing countries are posed with weak enforcement systems and a high possibility of being susceptible to penetration by organised criminal groups. The penetration of a country by international crime syndicates enhances insecurity and also weakening of governance in government institutions. The apparent growing nexus in certain countries among transnational organised crimes groups and elements of government including intelligence services and high level business figures portray a serious threat to security and development, economic growth and democratic institutions<sup>76</sup>. Where a country exhibits a fragile governance system, it encourages corruption and facilitates international syndicates. As they expand their operations they threaten stability while building alliances with political leaders, financial institutions, law enforcement officers and judicial officers to enable them to perpetuate their criminal acts with protection from these offices. By doing so, they exacerbate corruption and undermine governance, rule of law, judicial systems and transparency.

#### **3.2.1 Complexity and challenges of implementing counter trafficking measures**

Many crimes to some extent depress a society. Some crimes are very penetrative and don't affect an individual alone but it starts to break down the fabric of the society. Animal trophy trafficking is a crime that by its very nature breeds more crime. The availability of trophies gives an opportunity to self-destruct individuals to break the law. Anybody who support the trafficking either by helping the smugglers commits a crime. For trafficking to materialise, a network of criminals work closely with corrupt individuals to make sure that they are able to circumvent the systems and avoid any detection by law enforcement personnel. Where there are opportunities to commit crimes,

---

<sup>76</sup> National Security Council, *Transnational Organised Crime: A Growing Threat to National and International Security*. Available <http://www.whitehouse.gov/administration/eop/nsc/transnational-crime/threat>. accessed on 12th Nov. 2015

more crimes are typically committed. In 2002 president Bush issued an order that implemented a zero-tolerance policy for activities of government employees and contractors who supported human trafficking<sup>77</sup>.

The demand for animal trophies fuel the power, impunity and violence of criminal groups extending across borders with the aim of consolidating their market share within other hemisphere and expand their reach into other markets. This expansion is usually followed by a dramatic increase in corruption and other local crime in the country. The increase therefore tend to challenge the law enforcement agencies leaving the people in fear and less productive as in many cases they tend to retreat back into their homes earlier than the usual time for fear of the criminal gangs.

### **3.2.2 Analysis of Policy Provisions**

Wildlife treaties represent the oldest examples of international environmental law. They range from species-specific treaties to treaties providing protection for regional species<sup>78</sup>. In the Kenyan context, while the Constitution of Kenya contains no direct wildlife protection provisions, the country being one of the few renowned with a wide variety of biodiversity it is a member of various agreements as pertains to wildlife conservation.

There are signs that the international community is starting to take notice of the threats that accompany wildlife trade. UN General Assembly has classified wildlife crime as “serious and organised” criminal activity and called for stiffer penalties for the criminals<sup>79</sup>. Philanthropic individuals and organizations including the Clinton Global

Initiative have identified wildlife crime as a priority issue. Other international

---

<sup>77</sup> Walsh M. T., Helsinki Commission, House Armed Services Committee Examine Trafficking in Persons, HELSINKI COMM’N DIGEST, Dec. 15, 2004, available at <http://www.csce.gov/index.cfm>. Accessed 12th Nov. 2015

<sup>78</sup> Convention on the Conservation of Migratory Species of wild Animals, 19 I.L.M. (1980).

<sup>79</sup> <http://www.bornfree.org.uk/campaigns/wildlifetrade/> Accessed 11/2/2016

conventions and initiatives are attracting increasingly high level commitment, however much more need to be done to demonstrate any progress in the fight against wildlife trade, similar commitments should be seen to happen in both regional and individual countries. Increased recognition of consequences of animal trophy trafficking has evoked new international responses with the issue highlighted by the then state secretary of state Hillary Clinton and also president Obama where he identified wildlife trophy trafficking as an escalating international crisis that must be addressed because of fuelling instability and also undermining security. Other efforts to tackle the trade include recommendations from CITES and public displays of ivory destruction. The IUCN Africa Elephant Summit was held in Botswana in 2013 with all government present agreeing to a set of urgent measures to halt and reverse the trend in illegal ivory trade<sup>80</sup>.

In the east African region, wildlife laws and policies offer few or no incentives to wildlife custodians and thus provide limited tools for achieving the goals of conservation and promotion of sustainable development and equitable sharing of result benefits<sup>81</sup>. Wildlife laws and policies in the region lack divergence and are geared towards similar objectives and approach on provision of security. In the legislations and command and control approach is adapted with the conservation organizations remaining paramilitary while others are civilians. Regionally the countries have several statutes that relate to conservation and management of wildlife which include constitutions, parliament, land policies and regulations and other environmental management statutes. In Uganda the parliament is empowered through article 237 & 245 of the constitution while the environmental management activities under National Environmental Management

---

<sup>80</sup> Africa Elephant Summit, 2013: <http://cmsdata.iucn.org/downloads/africa-elephant-summit-final-urgent-measures-3-dec-2013.pdf>. accessed on 9th February, 2016

<sup>81</sup> Kameri P. M., Sustainable Management of Wildlife Resources in East Africa; A Critical Analysis of the Legal, Policy and Institutional Frameworks (IELRC working paper, 2005)pp 2. Available at; <http://www.ielrc.org/content/w0505.pdf>

Authority (NEMA), the Uganda Wildlife Authority (UWA) and the land act in the sustainable use of resources element and especially with regard to protection

Uganda wildlife statute of 1996 aims to promote conservation and sustainable utilization of wildlife. Section four vests the ownership of wildlife to the government in the trust of the people<sup>82</sup>. In the Kenyan case, the Kenya constitution lack direct wildlife protection provision. However section 71 deals with right to life and has been interpreted to include clean and healthy environment<sup>83</sup> the agriculture Act<sup>84</sup> and the forest Act<sup>85</sup> are both relevant in the conservation of the wildlife. The forest Act prohibits the killing of an animal in the nature. Kenya's first attempt for a policy on wildlife management is contained in sessional paper No.5 of 1975<sup>86</sup>. The policy recognises wildlife and identifies the value of wildlife as optimisation of returns. The Environmental Management Coordination Act<sup>87</sup> provides for appropriate legal and institutional frameworks for management of the environment<sup>88</sup> among other issues it establishes guidelines on issues of wildlife conservation. The Environmental policy of Tanzania seek to protect and utilise wildlife resources in a sustainable manner<sup>89</sup> it identifies the continuance and establishment of protected areas, promotion of conservation and devolution of wildlife management roles to communities and the prevention of illegal use of wildlife. The country also has national policies for national parks, land policy, forest Act, wildlife

---

<sup>82</sup> Uganda Wildlife Statute Section 4(1) provides that ownership of every wildlife and wild plant existing in its wild habitant in Uganda is vested in the government on behalf of and for the benefit of the people of Uganda.

<sup>83</sup> Wamukaya G. M., & Situma F. D. P., Environmental Management in Kenya; A Guide to the Environmental Management and Coordination Act, 1999, 2000, CREEL, Nairobi.

<sup>84</sup> Chapter 318 of the laws of Kenya

<sup>85</sup> Chapter 385 of the laws of Kenya

<sup>86</sup> Republic of Kenya, Statement on the Future of Wildlife Management Policy in Kenya. ( Sessional Paper No. 3, 1975)

<sup>87</sup> Act No. 8 of 1999

<sup>88</sup> Functions of National Environmental Management Authority (NEMA) include taking stock of the conservation and utilisation of Kenya's natural resources

<sup>89</sup> Chapter 3 (58) of National Environmental Policy of Tanzania. Available at; <http://tzoneonline.org/pdf/nationalenvironmentalpolicy.pdf>

conservation Act all with element of wildlife protection and conservation. The wildlife conservation Act provide for the protection, conservation, development, regulation and control of wildlife and their products including trophies.

Section 71 of the Kenyan Constitution which deals with the right to life has been interpreted by some to include the right to a clean and healthy environment<sup>90</sup>. The Agriculture Act and the Forests Act are relevant in wildlife conservation and management since wildlife found on agricultural land and forests is under the control of the Agriculture and Forests departments respectively.

The Forests Act provides the legal framework for the conservation of forests. It governs the conservation, management, and utilization of forests and forest products<sup>91</sup>. As such, the killing of wild animals in a nature reserve is prohibited. Under the Agriculture Act, the Cabinet Secretary is authorised to make preservation rules that can play a crucial role in ensuring that wildlife on such land is conserved. The first attempt at a comprehensive policy on wildlife management in Kenya is contained in Sessional paper No. 5 of 1975<sup>92</sup>. This policy recognised the value of wildlife both within and outside protected areas and identified the primary goal of wildlife conservation as the optimisation of returns from wildlife defined broadly to include aesthetic, cultural, scientific and economic gains, taking into account the income from other land uses.

The government has a role in securing wildlife by providing a vision and a well thought policy direction on sustainable management of wildlife based on a clear analysis of trends on both national and global animal trophy trafficking. Achieving sustainability require a

---

90 Wamukoya, G. M., and Situma, F.D.P. Environmental Management in Kenya; A Guide to the 15 Environmental Management and Coordination Act, CREEL, Nairobi(1999).

91 The Timber Act (Cap. 386); Agriculture Act (Cap. 318) emphasizes agro-business rather than agro-ecology; Water Act, (Cap. 372)

92 Republic of Kenya, Statement on the Future of Wildlife Management Policy in Kenya (Sessional Paper No. 3, 1975)



delicate balance of interests and priorities of different organs of the government and other institutions. Kenya's lack of a national wildlife policy to act as a guiding principle on matters related to conservation of wildlife is one major setback in the efforts to ensure sustainable management of its wildlife.

### **3.3 Analysis of Actors against animal trophy trafficking**

#### **3.3.1 Convention of International Trade on Endangered Species**

Although CITES has been in force for decades, its implementation and commitment by the member parties continues to be questionable. There is a continued variation amongst the member states in terms of regulations of wildlife trade and trafficking, there remains a lack of international consensus of approaches on how to best address elephant ivory trafficking.<sup>93</sup> As a result of global trafficking of wildlife and their derivatives at a global level, the convention on International Trade in Endangered Species of Wild Fauna and Flora came into being in 1975 with an intension of achieving two objectives. One was to ensure that trade in wild species or their derivative did not endanger their survival. The other objective was to cover those species with a possibility of being reduced to endangered levels through trade. To strengthen its initiatives, it is supported by other international institutions such as Interpol, the UN Office on Drugs and Crime, and the World Customs Organization in addition to country domestic initiatives that include legislations and other regulatory measures.

Trade which is defined as import, export or re-export of a long list of such threatened animal and plant species is either virtually prohibited (Appendix I species) or restricted (Appendix II or III species)<sup>94</sup>Lack of consideration regarding the seriousness of illegal wildlife trade also affects the development of a coherent legislative framework. Various cases highlighted the presence of loopholes exploited by traffickers in order to circumvent the law. For instance, rhino horns trade is regulated between Africa and Asia by CITES

---

<sup>93</sup> Liana S. Wyler & Pervaze A. Sheikh: International illegal Trade in Wildlife: Threats and U.S. Policy (2013) p.15. A report to the members and committees of congress. Available at [fpc.state.gov](http://fpc.state.gov). Accessed on 28<sup>th</sup> December 2015.

<sup>94</sup> <https://www.cites.org/eng/app/appendices.phpdashboards.cites.org/>. accessed on 9<sup>th</sup> February 2016

permits, attesting the legal nature of the trade. However, it appeared that such system is inefficient due to the presence of corruption within competent authorities and the opportunities to develop a lucrative business easily between concerned agents.

Through a system of Appendices, CITES lists and sort species from Appendices I to III with specific levels and measures of protection (CITES). By global agreements, CITES members engage themselves to undertake appropriate measures within their respective countries and corresponding issues. However such system appeared to be incoherent because of its generalist approach and insufficient attention to national and regional details<sup>95</sup>. This generalization generally has an impact in certain nations and regions because of different capabilities of different countries resulting to factors like the different in the global economies where developing countries with their less economies the insecurity tend to be higher and therefore the need for the attention to certain national individual needs. Also the magnitude of crime where crime rates will tend to be higher in nations with weak governance thus resulting into the need of reconsidering certain decisions like the allowing of certain countries for sales that can trigger increased poaching in countries that may lack the capacity to deal with the emergence and especially where the country is ill prepared or lack the resources required.

### **3.3.2 International Police (Interpol)**

As part of addressing environmental crimes, Interpol has an established Wildlife Crime Working Group whose primary role is to coordinate information gathering and sharing related to wildlife trafficking on an international scale and also to facilitate and coordinate operational enforcement activities through training and funding for international coordinated operations towards animal trophy trafficking. Wildlife crime such as poaching, trafficking in illegal ivory or illegal logging can lead to the extinction of

---

<sup>95</sup> Duffy, R. *Nature Crime, How we're getting conservation wrong*. (2010).

species, loss of biodiversity and serious damage to ecosystem that support our very existence<sup>96</sup>The working group maintains an international network for information exchange on a 24/7 platform and also help in the coordination of operations. The entity has previously initiated, funded and oversaw a number of international wildlife trafficking operations like; operation Baba, Worthy I &II and Ahmed<sup>97</sup>. Interpol is involved in intergovernmental networks to ensure effective collaboration with strategic international partners to coordinate efforts against wildlife crime. In its efforts to combat wildlife trafficking, Interpol support training and operational finances to strengthen transnational law enforcement efforts and strategies.

Interpol has initiated several operations targeting trophy trafficking where the organisation offer financial assistant to participating countries. The challenge that the recipient countries have faced is that the funds are not adequate and each participating organization may be called upon to look for funds in the respective organisations. This arrangement present challenge because budgetary allocations for individual ministries are allocated in accordance with the mandate of the organisation and anything else outside may not be given priority resulting to failed operations or participation is left to the responsible organisation.

### **3.3.3 Conservation Non-Governmental Organizations**

In the efforts of government towards the fight in the illegal animal trophy trade, there has been an increased involvement of civil society through conservation non-governmental organizations (NGOs). Through their activities such organizations are able to support field action toward identified issues, run public campaigns and offer information and even demand certain actions from decision makers. Several organizations nowadays include mitigating animal trophy trafficking within the scope of their activities. TRAFFIC, an

---

<sup>96</sup>[Interpol.int/crime-ares/Environmental-Crime/Environmental-compliance-and-enforcement-committee/wildlife-crime-working-group](http://Interpol.int/crime-ares/Environmental-Crime/Environmental-compliance-and-enforcement-committee/wildlife-crime-working-group). Accessed 21/3/16

<sup>97</sup> Ibid

international NGO completely dedicated to wildlife trade approaches the issue in that wildlife trade can be managed at sustainable levels without threatening species and contributes to human needs as well as to conservation. On the opposite, other organizations, such as WWF or Conservation focus on wildlife protection against the human impact on nature. Such differences of vision result in specific programmes and therefore provide diversity in terms of initiatives.

In the efforts of government towards the fight in the illegal animal trophy trade, there has been an increased involvement of civil society through conservation non-governmental organizations (NGOs). Through their activities such organisations are able to support field action toward identified issues, run public campaigns and offer information and even demand certain actions from decision makers. Several organisations nowadays include mitigating animal trophy trafficking within the scope of their activities. Moreover, they are often addressing a similar issue differently and various practices can be observed.

Local NGOs also contribute towards mitigating wildlife crime on a local scale. By operating at the grassroots level, these organisations are able to undertake significant activities in the field as well as gather considerable knowledge regarding the local framework within which they are evolving. Such approaches help to highlight important points on the international scene towards illegal wildlife trade issue and weakness of governments' decisions.

Coalition Against Wildlife Trafficking (CAWT) is another voluntary NGO which was initiated in the year 2005. It brings together partners from government organisations and other non-governmental entities in raising political profile of international wildlife trafficking<sup>98</sup>. The organisation aims to improve wildlife law enforcement, catalysing political will, information and strengthening regional cooperative networks. It also aim at

---

<sup>98</sup> Coalition Against Wildlife Trade-Summary, via <http://www.bushmeat.org/about-bctf/engaging-with-key-decision-makers/cawt-summary>. Accessed 21/3/16

reducing the demand by raising awareness and also support the fight against trophy trafficking. International training where people from various regions meet and share experiences and the way they have dealt with certain situation in trafficking is one way of combating trafficking<sup>99</sup>.

### **3.3.4 Kenya Wildlife Service as a State Agency**

In response to the need to curb extensive poaching and trafficking of trophies, the government of Kenya formed the Kenya Wildlife Service, a state corporation established by the wildlife (Conservation and Management) Act, CAP 376 and the Wildlife (Conservation and Management) (Amendment) Act no.16 of 1989. They provide for the establishment of national parks and national reserves and define how they are to be managed. The Environmental Management and Coordination Act (EMCA) of 1999 provides for the legal and administrative coordination of the diverse sectional activities including management and conservation of wildlife so as to improve the national capacity for the management of biodiversity and environment in general.

The operations of KWS are impacted and work alongside other policy and legal frameworks, example those relating to forest, fisheries, water, national security and national museums among others which necessitate structured and functioning relationships with other government departments and other international and local communities. The agency controls 8% of the country's landmass comprising of national parks, reserves and marine parks<sup>100</sup> From the onset, it is discernable that KWS has a far-reaching and indeed a crosscutting role in the implementation of a requisite policy initiatives and strategies geared towards realization of its vision. The functions include preparing and implementing management plans for wildlife security, in order for the

---

<sup>99</sup> Ibid

<sup>100</sup> [www.kws.org](http://www.kws.org) accessed on 15<sup>th</sup> March, 2016

organization to realise its mandate to provide security for the wildlife, it has a security division whose duty is solely to protect poachers from gaining access into the protected areas. Its units of intelligence and investigation playing crucial roles of gathering information related to trophy trade and investigations on issues of trophy trafficking respectively.

The functions are particularly important because they enhance wildlife security as they offer both local and international visitors with security. The organization has security measures that address wildlife crime through joint liaisons with other regional and local law enforcement agencies and stakeholders like ranchers, judiciary and the local communities. This engagement mainly focus on drawing up and implementing area specific security strategies to counter both animal poaching and other related crimes. The measures include holding security meetings, joint law enforcement efforts reviews and joint operations.

### **3.4 Awareness and Public Engagement**

Awareness initiatives, on the other hand, are based on the assumption that raising awareness publically regarding the unsustainable and illegal nature of wildlife trade and its consequences might reduce their implication in it via a change in attitudes and practices<sup>101</sup>. These interventions are quite diverse regarding the methods employed (documentaries, public events, public display) as well as audience targeted (harvesters, traders, consumers, hoteliers, medical practitioners, general public. This intervention is thought that participation in the trade is determined by the degree of people's awareness. Making the people more aware of the illegality and the negative impact on conservation fundamentally improve the know-how and knowledge of the illegality.

---

<sup>101</sup> TRAFFIC. *What's Driving the Wildlife Trade?, A Review of Expert Opinion on Economic and Social Drivers of the Wildlife Trade and Trade Control Efforts in Cambodia, Indonesia, Lao PDR and Vietnam*, (2008).

A recent trend in high-profile personalities involvement in the fight against illegal trade has spread awareness on the issue among the general public with globally recognized figures including basketball player Yao Ming and award winning actress Lupita Nyong'o taking a stand against the ivory and rhino horn trade.

### **3.5 Analysis of Enforcement Response**

It is one thing to ban or limit trade and enforcement is another and especially in the developing countries where training and funding for enforcement may present a challenge. Many countries lack strict national legislations and appropriate penalties capable of addressing the crime. To achieve this, countries need to comply with available conventions and agreements by supporting activities geared towards the combating of trophy trade in addition to encouraging more countries to ratify the existing treaties and become members.

Transnational organized crime operators and small-scale armed groups are drawn to the high profit and low accountability associated with wildlife crime. Implementation of legislation monitoring the illegal trade in ivory and rhino horns in source countries remains a problem for governments lacking resources required to protect their endangered species indefinitely. The only way in which range states will be able to counter organised crime syndicates exploiting national legislative and institutional weaknesses is to participate in coordinated response across the illegal wildlife trade chain<sup>102</sup>. Lack of credibility in relation to law making, criminal investigation, prosecution and sentencing is a major barrier to enforcement. There is general agreement among governments and international organizations that the commitments made and the actions taken are uncoordinated and fail to address the issue effectively. There is broad recognition that the absence of an effective response threatens iconic species such as the rhinoceros and the elephant and has far-reaching implications for society as a whole. Regions have

---

<sup>102</sup> Lawson K., Vines A., Global Impacts of the illegal Wildlife Trade: The Costs of Crime, Insecurity and Institutional Erosion, 2004. Available at <http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0214wildlife.pdf>

developed collaborative initiatives aimed at working towards the prevention on trophy poaching and individual nations have employed a number of measures towards curbing the trophy trafficking challenges with little success. However, there have been success stories of responses which have led to effective ant-poaching measures. KWS the agency that conserves and manages Kenya's wildlife and their habitat is well supported by the Kenyan government and stakeholders. The organization has sought out cross-border wildlife security collaborative initiatives with neighbours Tanzania, Uganda and recently Ethiopia wildlife authorities<sup>103</sup>. In a show of the seriousness of the problem, Kenya has on two occasions set tones of elephant ivory on fire, similarly China also set tons of ivory on fire in 2014. This was meant to send a message to the world the need for concerted efforts to stop international trophy trafficking. In its efforts to curb the poaching and trafficking of animal trophies, Kenya at global level is a member of CITES.

High level responses to the drastic increase in wildlife crime are gathering support internationally with UK government announcing a ten million pound grant<sup>104</sup> to support efforts to tackle the illegal wildlife trade which will be directed to poaching incentives by providing economic opportunities and promoting good governance, training and support to institutions addressing illegal wildlife trade and raising awareness of illegal trade.

### **3.6 Summary**

This chapter has noted that there are various institutional and legal frameworks put in place to address animal trophy trafficking. However, in the recent past, international trophy trafficking has increased and the ability of the institutions responsible has failed to adopt the right direction so as to meet the current challenges.

The chapter has further noted that in striving to control and achieve sustainable use of wildlife, there are various institutions frameworks which work collaboratively to provide

---

<sup>103</sup> Kenya Wildlife Service: <http://www.kws.org/>.

<sup>104</sup> UK Government, UK Boosts Fight Against Illegal Wildlife Trade: <http://www.gov.uk/government/world-location-news/burma-uk-boosts-fight-against-illegal-wildlife-trade>.



a common unified and a collective approach in preventing, management and resolutions geared towards mitigation of trophy trade.

The findings in this chapter contribute towards achieving the third objective. The chapter shows that institutions and legal frameworks available lack effectiveness in addressing the challenge of animal trophy trafficking. This confirms the third hypothesis that to secure wildlife, institutions need to be effective in discharging their mandates towards achieving the unified goals of securing wildlife and their trophies from being trafficked.

## **CHAPTER FOUR: FACTORS INFLUENCING RISE IN ANIMAL TROPHY TRAFFICKING**

### **4.1 Introduction**

Trafficking involve the transportation and transfer of animal trophies for the purpose of illegal trade. The factors influencing the increase rise in trophy trafficking include globalisation that include internet platforms and economies of scale associated with the illegal trade. Other factors include demand and available supply, weak institutional enforcement also contribute to the increase. The involvement of organized crime syndicates and rebel groups in wildlife crimes is increasing and the absence of credible law enforcement, prosecution, low penalties and other deterrents to wildlife trafficking reduces the perceived risks for criminal groups. Consumer demand is exacerbated by the increased accessibility of illegal wildlife products through the internet. Social political environment where enforcement capacity both at the source and destination nations and society vulnerability factors like the perceived poverty levels, access to finances, traditions, unemployment are also key contributing factors of rise of trophy trafficking.

Commercial poaching of wildlife for trophies such as elephant ivory and rhino horn represent one key threat to wildlife today where transfer of trophy from the animal to the market involve a chain of activities which take the trophy out of the hands of the poacher to destination market. The chain is driven by individuals, cartels and more recently organised crime syndicates<sup>105</sup>. Trophy trafficking therefore is recognised as a national, regional and international crime and must be treated as such by security agencies. The crime call for use of various legislations including economic crimes, tax laws, organised crimes as well as environmental laws and also put emphasis on the need for international cooperation and collaboration amongst various security agents and striving for better

---

<sup>105</sup> Lifting the Siege: Report of the Kenya Task Force on Wildlife Security (2014)p. ix

detection capabilities to enable monitoring of movement of wildlife trophies and arrangements to pay attention to the security of Kenya's international borders with appropriate action on the supply and demand side.

## **4.2 Rise in Animal Trophy Trafficking**

Implementation of international agreements such as CITES has involved a range of practical measures, as well as an outpouring of rhetoric in national and international forums. Yet illegal trading in wildlife continues. Given that the trade is increasingly meeting with resistance from states and the international community in the form of law enforcement and regulatory initiatives, the question arises as to why it persists. What makes it sustainable and provides support to those involved in it? Any explanation for the persistence of the illegal wildlife trade requires an understanding of the criminal networks involved. These may include organisations, gangs, syndicates, and other criminal groupings. Designing effective policies to reduce the illegal wildlife trade requires an understanding of the individuals and groups driving wildlife crime, specific to the geographical area and species. The literature has mostly dealt with this issue focusing on effects of globalization, demand as well the social, economic and political environmental factors.

### **4.2.1 Global Economy and Globalization**

One characteristic of globalisation is the increasingly free movement of goods and services, people and finances. The rise of globalisation has been matched with unprecedented rise in transnational crime and cannot be separated from the larger dynamics of global economy or the policies of governments. New opportunities provided by globalisation like technology has greatly aided traffickers enormously. The resurgence of animal trophy trafficking has become more evident and it cannot be separated with the

role globalization plays with the global connection of poachers, middle men and consumers around the world.

The expansion of economies, international commerce, transportation and the use of information and communication technology (ICT) help fuel demands for illegal wildlife products<sup>106</sup>. To combat such a wide trade that transverse across the globe it is not the responsibility of only a few affected nations but it requires strong international community with coordinated government approaches. Government policies should incorporate ways of addressing challenges of dealing with the increase in animal trophy trade. While the rise in illegal trophy trade continues to be experienced, it is becoming increasingly recognised as a serious crime because of the many negative implications that the trade has been seen to cause. The increase not only begin to capture the environmental, social and economic costs of illegal wildlife trade, which prevent investments and other types of developments and biodiversity which economic development depend on but widespread failure in leadership and governance that is characterised by illegal trophy trade, corruption and other forms of crimes undermining the attempts in achieving sustainable economic growth, social balance and environmental protection.

Global trade, technology and transportation are constantly evolving and becoming more sophisticated, providing and even facilitating the formation of the networks required to move the ivory from forest or savannah to international markets.

The most foreboding criminal element playing a role in the global wildlife trade may be the most important to U.S. and international policymakers, as well as the most threatening. Over the past several years, the global news media and police agency reports have mentioned—initially almost in passing but recently with increasing regularity that

---

<sup>106</sup> UNEP Year Book 2014 emerging issues update: Illegal Trade in Wildlife

poachers have been connected to localized militant and terrorist groups responsible for attacks on cities and towns.

#### **4.2.2 Poaching and Trophy Trafficking**

Trophy trade involves hundreds of millions of plants and animals from tens of thousands of species. To provide a glimpse of the scale of wildlife trophy trafficking, there are records of over million tonnes of products on trade every year.<sup>107</sup> However, internationally the conservation position is frightening. A big number of the species are under siege by activities occasioned by man. Elephant and rhino are a good example that conservationist and other people of concern see their extinction very close if no intervention will come along. Kenya is one of the renowned elephant range state among other thirty six countries, but due to poaching the country's herds has reduced drastically. Loss of population is attributable to either loss of habitant but the most pressing and disturbing is the loss occasioned through poaching mainly for trophy trafficking. According to a report by a Kenya taskforce on wildlife security (2014), poaching for elephant and rhinoceros in Kenya has reached its highest levels since the traumatic period of the seventies and eighties undermining the recovery observed since the establishment of Kenya Wildlife Service in 1989.<sup>108</sup> This requires a decisive and urgent respond to this disturbing spike in poaching and subsequent trafficking of animal trophies resulting from a growing demand of wildlife products. The trade has become a multi-billion Dollar enterprise attracting transnational organised criminals in scale currently comparable to other organised global crimes like drugs, firearms and human trafficking as well as money laundering.

---

<sup>107</sup> [http://wwf.panda.org/about\\_our\\_earth/species/problems/illegal\\_trade/](http://wwf.panda.org/about_our_earth/species/problems/illegal_trade/). Accessed 11/02/2016

<sup>108</sup> Ibid

Conservation approach is mainly based on protected area system but a significant number of wild animals are also found outside the protected areas posing even greater challenges in their protection because they live in community or even individual land. For rhinos, the black species live and maintain a territorial range which increases its vulnerability to poachers although the two species are under threat because the use of the horn does not distinguish between the two species. The killing of either an elephant or a rhino and the product reaching the destination market the process is driven by cartels who camouflage themselves to be operating legal businesses of exports and imports thus challenging the efforts of law enforcement. Usually those who are found to be apprehended are mainly the “peasant poachers” and rarely are the law enforcers able to reach the domain of the middle men or even the kingpins who are responsible for organising and funding the ground poaching operations.

Kenya has a key entry and exit points linking it regionally and internationally with three main airports and one port play a crucial role in terms of trophy trafficking from within and across its borders. Jomo Kenyatta International Airport (JKIA) in Nairobi, Moi International Airport (MIAP) in Mombasa, Eldoret Airport and Mombasa port act as key transit routes for trophy smugglers. Because of large consignments of goods that the ports handle regularly it present greater challenges in terms of ensuring security without compromising quick transfer of goods with minimal delays. Kenya’s porous borders contribute significantly as a key transit point.

Kenya, just like many other countries has lost most of its populations due to inadequate measures to prevent the erroneous acts from the poachers. Law enforcement and other specialists indicate that illegal wildlife trafficking to certain extent it may equal to the legal trade although there are no statistical data to confirm this allegation. During an annual Convention on Trade in Endangered Species (Cites) conference in Bangkok,

Thailand, Elephant Trade Information System official argued that Kenya, Thailand, Uganda, Tanzania, Vietnam, Malaysia, Philippines and China had been identified as major players in the trade where he argued that Nations at the heart of an unprecedented surge in African elephant killings must be hit with heavy trade sanctions. In Kenya other than the elephant and the rhino other species that are mostly traded include snakes, live birds, big cats skins especially the cheetah and leopard. The rise in trafficking requires multifaceted efforts from all fronts to save the glamour in wildlife as it has been identified with.

The increase of illegal trophy trafficking cannot be underrated and is broadly manifested by the numerous seizures of tonnes of elephant ivory and rhino horns that were intercepted as they were being trafficked to destination markets. For example in Kenya a total of 13.5 tons of ivory was impounded mainly at the port of Mombasa in the year 2013. Due to the illegality of the crime no claimant comes forward to claim the contraband which was destined for the Far East countries. Most of this contraband may be smuggled through the porous borders from the neighbouring countries because Kenya alone cannot lose this kind of elephants.

Kenya has of recent witnessed a notable decline in interceptions in its major exit ports which can be attributed to its heightened security through surveillance and an establishment of a forensic laboratory coupled with the amendment of the Wildlife Act in December 2013 with more punitive penalties.<sup>109</sup> Generally organised criminals have always known the weakness in the law enforcement and have always weighed options as they will prefer being arrested and get prosecuted in a court of law where one would pay the fine and return back to the usual business. The minimal fines motivate many of the smugglers and traffickers making the trade even more lucrative. A press briefing on the

---

<sup>109</sup> [www.kws.org](http://www.kws.org) Status of Wildlife Conservation in Kenya. Accessed 12 January 2016.

status of wildlife conservation in Kenya in February 2015 by the Director KWS, said “Available evidence indicates that the years 2011, 2012 and 2013 witnessed the highest levels of poaching since the poaching crisis of the 1980’s. For example, Kenya lost 47 elephants and 5 rhinos to poaching in year 2007 as compared to 384 and 30 in year 2012, and 302 elephants and 59 rhinos in year 2013 respectively. But we are glad that we are seeing some light at the end of the tunnel, thanks to concerted efforts by many stakeholders, including you. Last year, only 164 elephants and 35 rhinos were poached representing about 47 per cent and 40.7 per cent, respectively, representing a significant decrease from previous years. While these figures are indicative of the success of our concerted efforts, they still represent damage to our wildlife capital.”<sup>110</sup> The country has of recent witnessed a notable decline in interceptions in its major exit ports which can be attributed to its heightened security through surveillance and an establishment of a forensic laboratory coupled with the amendment of the Wildlife Act in December 2013 with more punitive penalties.<sup>111</sup> Generally organised criminals have always known the weakness in the enforcement and legal systems when it comes to investigating and prosecution of trophy traffickers hence the notable increase in trafficking in the recent time.

#### **4.2.2 Demand**

Demand for animal trophies is ubiquitous and a major cause of trophy trafficking. Some countries and regions with the highest demand include the United States, The People’s Republic of China, and the European Union<sup>112</sup>. Kenya is a source country and is therefore affected by the demand. High rates of poverty, available supplies, low penalties compared

---

<sup>110</sup> Ibid

<sup>111</sup> www.kws.org Status of Wildlife Conservation in Kenya. Accessed 12 January 2016.

<sup>112</sup> Liana S. Wyler & Pervaze A. Sheikh, *International illegal Trade in Wildlife: Threats and U.S. Policy*. A Report for the Members and Committees of Congress, 2008, p.15. Available at fpc.State.gov. Accessed on 29<sup>th</sup> Dec 2015



against the returns are the major factors that drive trophy trafficking. The growing economy of the Far East coupled with the belief that certain wildlife products have medicinal capabilities has pushed the demand even further due to increased diseases associated with today's lifestyle. Reduction of demand is one potential strategy that can significantly reduce trophy trafficking. Raising public awareness aimed at educating consumers, retailers and importers of trophies where it has come to the knowledge of law enforcers during interviewing of intercepted small-scale traffickers has confirmed that many of those intercepted at the airport were not aware of the laws prohibiting the trade of animal trophies. It also give opportunity to these groups to learn the available alternatives and the potential dangers of illegal animal trophy trafficking, the trades, being driven by a demand motivated by various purposes.

In Southeast Asia, there exists a strong cultural attachment to ornamental ivory carving, realised for various purposes such as statues, musical instruments or personal seals<sup>113</sup>. This contribute to increasing interest of Southeast Asian countries for ivory coming from African elephants as it is explained by its characteristic of being big and easier to carve than that of ivory resulting from the Asian elephants. This fuel the poaching of elephants from the African range states for on ward trafficking to the Asian markets where the readily available market attract higher prices

#### **4.2.3 Social, Economic and political environment**

Trophy trafficking can be linked to a number of factors at national, regional and international levels. Currently in the society there are various push factors that influence people's desire to engage in criminal activity. The push factors mainly include issues of inadequate employment opportunities, poor living conditions, lack of access to basic services and commodities, economical and political insecurity and also loss of livelihoods

---

<sup>113</sup> Ibid.

among others. Factors of pull also will encourage engagement to commit the crime and could be factors like the increased ease of travel, higher pay offers and profits generated, unmanned porous borders and transportation routes.

The pull and push factors present a compelling case to take trafficking as a complex development issue.<sup>114</sup> Problem of development come in various dimensions. The human development approach recognises poverty as a multifaceted and dynamic which constitute both monetary and non-monetary aspects including social and personal circumstances. It is about creating an enabling environment that people can develop their full potential in the search of a meaningful productive and creative life in accordance with their daily requirements.

Poverty is one major driver that contributes to increase in poaching. Many of the Kenyan population lives below the poverty and in order to make ends meet many will engage in various activities including criminal activities. In fact this is the group that is mainly used to gain access into the protected areas to do the actual killing of the animals before the trafficking begins. When the mission is accomplished and the trophy is secured payment for the job can be as little as Ksh.80, 000 an equivalent of US\$ 800. Comparing this payment and what the trophy generate at the destination markets then, this is only a drop in the ocean. Considering the risks the poacher face and what he/she takes home as payment would only be attributable to poverty as the driving factor. High populations living below poverty line and many of whom are educated but have not been able to secure employment opportunities will result to engage in criminal activities one of them and with higher returns but with fewer chances of being arrested and made to pay higher penalties is trophy trafficking, therefore being one of the most preferred by many. Job

---

<sup>114</sup> Help desk report, Governance and Social Development Resource Centre, The Impact of human Trafficking on People and Countries (2011).pp 6. <http://www.gsdrc.org/docs/open/hd780.pdf>. accessed 24/2/2016

creation and awareness on impacts associated with unsustainable use of biodiversity will reduce the impact that come along with poverty resulting mainly from unemployment. Majority of poachers and local transporters are men and women seeking to escape poverty through trafficking of animal trophies by false promise of high economic gains from the main players.

Conflict prone areas and particularly the regional conflict facilitate another source of trafficking. Conflict areas are known to proliferate and keep illegal firearms that are used in the poaching for the animal trophies with the intention of searching for market. Additionally, the presence of peacekeepers and troops in training camps have been linked to animal trophy trafficking. Example is the British Army troops training in Kenya where they have been linked to small-scale wildlife trophy trafficking. It is thought that the troops exchange their personal accessories with elephant pendants after the completion of the training as they prepare to return back to their country.

#### **4.2.5 Available Supply**

Supply of animal trophies is another cause of increase in trophy trafficking. The availability of these animal products from the source countries for both legal and illegal sources is mainly from the developing countries. Kenya, Tanzania, South Africa, Uganda Mozambique and Congo among other range states in the developing countries have a rich biodiversity but the same countries experience weak governance and poor law enforcement capacity which result to high vulnerability to international animal trophy trafficking. Many of the organised criminal cartels have built chain networks in these countries where they perpetrate their crimes from the demand markets. Transactions starting from ordering of trophies are done from far and the supplies are readily available immediately after total payments or down payments have been done. However, as

demand increases it will be seen for how long the supplies will last. Increased poaching of these animals cannot sustain the populations and measures are required to mitigate the crazy upsurge currently being witnessed before the populations become a thing of the past.

#### **4.2.6 High Profit Associated with Trafficking**

Another factor that drive animal trophy trafficking is the high profits associated with animal trophies. According to Richard W. in (global security concerns,) Roy Godson, of Washington's National Strategy Information Centre, estimates the annual worldwide profits for all organized crime activities at \$ 1 trillion, almost the size of the United States federal budget.<sup>115</sup> Before engagement in the crime the criminals will weigh options of the benefits generated against the possible threats he may encounter. High returns associated with animal trophy trafficking against the very low chances of arrest by law enforcement authorities has motivated criminals in the way they conduct trophy trafficking. Analysis of the benefits against the efforts of obtaining a trophy has always seemed more appealing and this has led to increased trade in wildlife trophy. The illegal animal trophy trafficking can be quantified up in monetary gains. Wildlife trophies are currently regarded as commodities capable of being moved and transported illegally for payment across borders as a result of the high profit value associated with it by the traffickers. The venture is normally very attractive to the criminal groups because of its attractiveness as a result of low start-up costs, minimal risks, high revenues generated in terms of profits and the large demand from the consumer countries. Many countries both the source and the destination markets have not paid keen interest on the punishments of trophy traffickers and therefore little impact is felt by criminals when they get apprehended and charged in courts of law.

---

<sup>115</sup> Karl P. Magyar *Global Security Concerns: Anticipating the twenty-first century*. Air University Press., 2<sup>nd</sup> ed. 2000 P.90

Lack of coordination and collaboration on areas of control delivery is seen as another weakness where criminals have taken advantage when engaging in trophy trafficking. Very few if any case see light of the day where transit consignments get intercepted.

For a long time wildlife trophy trafficking has been associated with low penalties for perpetrators of wildlife crime, this coupled with low risk of being arrested. Wildlife trade may be considered less risky than other high-value black markets including drugs as the penalties associated with wildlife crime tend to be substantially less severe than with other trafficking crimes<sup>116</sup>. Such perceptions result into limited enforcement capabilities, unwillingness to allocate adequate resources and political will in the fight against the vice.

### **4.3 Summary**

This chapter has noted that despite various efforts to combat trophy trafficking, there are a number of factors that influence the rise of international animal trophy trafficking. Factors like globalization, socio-political, demand and supply and high profits associated with rewards and weak enforcement play a crucial role in the rise in animal trophy trafficking. The chapter has also noted that developing countries have push and pull factors that make their local populations engage in the trafficking as a result of situations they find themselves in and especially poverty.

The findings in this chapter contribute towards achieving the second objective. The chapter shows that despite efforts being put by individual nations, regionally and internationally the trophy trade is still an illegal trade that has continued to have adverse negative effects on countries and calls for concerted efforts from international community to effectively address the increase that is currently being witnessed.

---

<sup>116</sup> Ibid

## **CHAPTER FIVE: TROPHY TRAFFICKING AND NATIONAL SECURITY**

### **5.1 Introduction**

Trophy trafficking threatens sustainable conservation of biodiversity, particularly the illegal trophy trade which may drive animal species into extinction. A review of available literature indicates that animal trophy trafficking has an impact to countries and by extension the societies through various ways; economical, increased crime rates, fear, importation of crime and promotion of corruption opportunities among others. The illegal taking, trafficking and trading in the trafficked trophies has negative implications on the national economy and the source country's biodiversity and ecosystems. Wildlife crime in various range states has been worsened by the existing vagaries of weather which is as a result of the global tenets of climate change. Furthermore, literature has it that animal trophy trafficking causes national insecurity and ecosystem shifts that results in resource base exhaustion leading to conflicts amongst societies, regions and even internationally. Illegal wildlife trade has detrimental effects on species in source countries whose effects range from driving many endangered species towards extinction, strengthening criminal networks, undermining national security, and increasing risks to global health.

Governments and international community have an obligation to find lasting measures to mitigate against wildlife crime as a matter of urgency. This is because wildlife crime is not just a matter of environmental protection, but also of national, regional and international security the masses in affected countries are the most culprits and losers from illicit trade, while criminal gangs and corrupt government officials profit from the vice. Rangers deployed on the frontline of operations in wildlife rangelands are also losing their lives hence depriving their families of the obligatory livelihoods. More disturbing is the brunt of wildlife crime on national development and how it negatively reflects on the pains of the concerned government. Massive poaching being experienced

today is a consequence of the disregard for animal rights and future generations as sophisticated criminal networks operating across international borders engage in much of the trade in illegal wildlife products. Ultimately, players in this illicit trade are able to purchase weapons, finance civil conflicts and underwrite terrorist-related activities by the profits from wildlife trafficking. Militias and military figures are able to illegally harvest and profit from wildlife with ease because governments and enforcement officials cannot contain them, or ignore the problem, thereby empowering corruption in general.

A review of available literature on animal trophy trafficking indicates that the vice contributes to civil conflicts, national economic losses, poverty, global climate change and negatively impacts national security arrangements and stability, state authority and biodiversity and public health. In particular, the relationship between the animal trophy trafficking, organised crime and the demise of iconic species has stimulated current international debate<sup>117</sup>.

## **5.2 Country Instability**

International organised criminal groups engaging in international animal trophy trafficking seek to target countries with poor governance, weak enforcement mechanisms, corruption prone systems and porous borders. These characteristics are commonly found in developing countries which are coincidentally the range states commonly linked to trophy trafficking in relation to the commonly traded trophies. Analysts contend that weak states constitute wildlife source countries, wildlife trafficking routes, transit countries and destination countries as they are especially attractive to the wildlife traffickers who operate with impunity. Illegal trophy trafficking has numerous effects to a

---

<sup>117</sup> Sollund, R. and J. Maher. The Illegal wildlife trade: A case study report on the illegal wildlife trade in the United Kingdom, Norway, Colombia and Brazil. A study compiled as part of the EFFACE project. Oslo & Whales: University of Oslo and University of South Whales. (2015).

country in various ways in that it fuels conflicts and destabilizes national security leading to instability within and across international borders.

Other than direct effects of animal trophy trafficking to endangered species, this illicit trade has indirect effects manifested through the nation's population. Illegal wildlife trade affects individuals in that animal trophy trafficking networks often compel the local population to directly or indirectly embrace the vice through various modalities. For instance say in food provision for the poachers who may travel from far or even provision of accommodation or even information. Illegal wildlife trade undermines the livelihoods of the local population whose revenue generation ventures depend on wildlife. This is because many communities in wildlife range states engage in community based management of wildlife resources for their livelihoods for cash and other developments incentives.<sup>118</sup> Animal trophy trafficking thus robs them of their employment and wealth opportunities where many are left in poverty situations resulting into undercutting of food security and loss of the state's sovereignty.

### **5.3 Proliferation of Small Arms**

The East Africa pre-dates 19th Century European colonialism was the result of an established trade that escalated raids for slaves, livestock, ivory and other game wildlife trophies by Ethiopian raiders. General crime and insecurity incidences have been to a greater extent facilitated by proliferation of small arms. It is worth noting that the geographical positioning of a country is a contributing factor in arms trade. Where a country is surrounded by neighbours who have suffered from conflicts, she becomes receptive to spill over effects of armed conflicts including proliferation of small arms and light weapons into her territory leading to insecurity and instability.

---

<sup>118</sup> UN.org. "The Illegal Wildlife Trade and Decent Work":Summary of the ECOSOC event (2015), p 1



The negative impacts of availability and misuse of small arms and light have since been felt in various countries<sup>119</sup>. In Kenya, the pastoralist communities (believed to possess the highest number of unlicensed firearms) are the most affected. For instance, the spike in poaching for trophies in the last decade is believed to be among those aspects that increased demand for small arms as well as the possibility of proliferation of armed groups and the growth of the already existing criminal organised groups.

The threat of proliferation of small arms and light weapons into the population was underscored in the year 2009 when the Kenya police uncovered some 100,000 rounds of ammunition in a private residence in Narok<sup>120</sup>. A recovery of this extent may propose a organization of criminals organised to engage in the acquisition, propagation and trade of light weapons within and far from Narok next to Maasai Mara national reserve that is one of Kenya's national reserves hosting a number of elephants and rhinos. Thus, it is safe to conclude that weapons of this magnitude in this location were a great danger to these animals.

A weak and sometime a corrupt architecture manifested by inadequate border control mechanisms and minimal law enforcement officers in many border points create favourable situations for acquisition, propagation and trade of light weapons to thrive which is attributable to weak governance structures. Currently, the drive for poaching and trafficking traffic animal trophies by organised criminal groups is another independent trigger for the acquisition, propagation and trade of light weapons. Incidences of recoveries of animal carcasses with bullet wounds are a clear indication of use of weapons in poaching. Trafficking of light weapons puts arms in the hands of criminals living in

---

<sup>119</sup> Wepundi M., et al, Availability of Small Arms and Perceptions of Security in Kenya: An Assessment (Geneva, Small Arms Survey) p. 21. Available at; <http://www.smallarmssurvey.org/fileadmin/docs/c-special-reports/SAS-SR16-kenya.pdf>. (Accessed on 5<sup>th</sup> Nov. 2015)

<sup>120</sup> Ibid

areas with large wildlife populations which become a security threat to wildlife. These weapons target poaching and committing other crimes.

Furthermore, possibilities exist of poachers having direct links to military weapons and terrorist groups despite lack of documentation of the direct connection between poachers and terrorist groups or their activities. Transnational crime has correlation with terrorism where collaboration serves as a force multiplier for both criminal and terrorist groups where the two have shared similar tactics to achieve their otherwise separate operational objectives. This is because terrorism undermines systems, organizations, societies and states that enjoy an established democratic character. Such tactics include acts of violence, involvement in criminal activities for profit, money laundering and movement across borders. Conversely, terrorist groups may drift away towards criminality. For instance, warlords or militant groups that have been connected to specific instances of terrorist activity have also, separately, been connected to instances of poaching.

Elephant poachers in many Africa wildlife range states use weapons that can be acquired only from military sources, and African wildlife agencies are starting to recover western military weapons as well – including American-made M-16s and German-made G3s<sup>121</sup>. Irrespective of the source of these weapons, the fact that poachers, whoever they are, can obtain these weapons is cause for concern.

#### **5.4 Under Development**

Development applies equally to security of societies. Development concerns have become crucial in relation to how security is understood underscoring the link between the two constructs; consequently the issues of security and development have come to be merged

---

<sup>121</sup> IFAW, Criminal nature International fund for animal welfare, The Global Security Implications of the Illegal Wildlife Trade (2008).

various important respects.<sup>122</sup> Peoples and Vaughan (2010) voiced that evidence exist proving a correlation between levels of development and insecurity of countries. They pointed out that the higher a nation is developed, the lesser the possibility of insecurities resulting from issues associated with crime. International criminal gangs will find it easier to carry out their activities in the less developed nations than those with higher capability of managing security issues.

With the increasing crime in international trophy trafficking, devastating effects have manifested as a result of the organised criminal groups engaging in various criminal acts related to and mainly perpetrated by the groups. In 2009, states around the globe reiterated the value of strengthening international cooperation on the basis of a common and shared responsibility to counter international drug trafficking and other related criminal activities as they had grown into threats to international peace and security.<sup>123</sup> The Security Council thus unanimously adopted a presidential statement calling for greater action to combat drug trafficking as a threat to international security. The fact that animal trophy trafficking acts as the main stay in the hindrance to development and global insecurity calls a collaborative national, regional and global approach towards the efforts towards transnational crime.

Animal trophy trafficking is taking shape into an insurmountable threat that is currently affecting all parts of the continents. Trafficking does not respect borders and therefore a reflection that no single state can confront it single handedly therefore calling for cooperation between states. A balanced approach to reduce the rising demand for animal products and the promotion of alternative developments and the rule of law within source

---

<sup>122</sup> Peoples C. & Vaughan N., *Critical Security Studies: An Introduction* (New York, Routledge, 2010)pp 123

<sup>123</sup> UNODC Report (2009) of Security Council Debate on “Devastating impact” of drug trafficking. <http://www.unodc.org/unodc/en/frontpage/2009/December/security-council-debates-dev> accessed 23/2/2016

countries and demand markets are a key aspect approaches in addressing international trophy trafficking.

### **5.5 Investor confidence and impact on economy**

It is difficult to accurately quantify the impact of international animal trophy trafficking on the general economy as a result of its clandestine nature and the hidden economies in which trophy trafficking operates. Lack of adequate national definitions, corruption, inability and unwillingness to cooperate make it difficult in assessing the definite impact resulting from trophy trafficking. However, while animal trophy trafficking is secretive and covert to accurately measure, the threats to a country's economy can be huge.

Animal trophy trafficking will mainly represent lost opportunities in the source countries. In the case of developing nations that mainly serve as source countries of wildlife trophies, the result is huge loss in remittance which implies a loss in development by a country. Further, where a country is faced with trafficking of trophies, there is a likelihood of huge investments that are put towards the fight against the trafficking. Without experiencing such a vice, the same resources would have been channelled to other sectors of the economy.

Security is one major factor that greatly draws investor confidence in a country. Insecurity results with severe damage to a country's economy. A country that experiences a spate of gang related attacks targeting resources that draw investors or its civilians has an impact due to reduced investor confidence as well as the civilians for the government to offer protection. The organised criminal activities adversely affecting the country where many of the investors may seek other alternative countries to invest. Locally also the citizens have reservations in investing their hard earned wealth in an environment that they describe as insecure, the result is a situation where very few investments are seen

with many of the investors moving to other countries that they find secure. Owing to presence of organised criminal groups, investors may anticipate that future profits of companies with the country may suffer due to either a drop in exports or due to uncertainty about the country's future given the possibility of repercussions against it from other countries. If the level of instability continues, the country's fragile sense of business confidence is hurt both locally and internationally. The image propagated around the globe fade away the renewed investor confidence which eventually damage the country's economy.

Increased cases of insecurity in the country continued to cause anxiety and fear among business operators leading to loss of investor confidence and subsequent relocation of businesses resulting to massive job losses for a country that is already sustained in terms of creating jobs<sup>124</sup>. The escalation of insecurity threatens to destabilize the economy and the investors result in the engagement of private security that come in with additional extra expenses, as a result many investors may not be able to sustain the extra cost and result in relocation of businesses and especially for international investors.

Trophy trafficking also threatens sustainable conservation of biodiversity, particularly the illegal trophy trade which may drive animal species into extinction. The illegal taking, trafficking and the subsequent trading has implications on biodiversity, ecosystems and lead to negative impact to national economy. Wildlife crime has been exacerbated by the existing vagaries of weather and it can be projected that challenges of climate change is another gravest threat to wildlife in additional to animal trophy trafficking causing national insecurity and ecosystem shifts that is likely to affect resource base leading to conflicts.

---

<sup>124</sup> Okwaro B., State of Insecurity in the Country, Press Statement (5<sup>th</sup> Nov. 2014) Available at; <http://cotu-kenya.org/state-of-insecurity-in-the-country> (accessed on 27<sup>th</sup> oct.2015)

Declining numbers of wildlife animals and the fear of insecurity also result by decrease by tourist visiting the country leading to decreased foreign exchange. According to Kenya National Bureau of Statistics (KNBS) tourism account for 12% of Kenya's economy earning revenues that average \$ 1.1 billion annually, tourism occupies a central place in Kenya which is East Africa's largest economy after agriculture<sup>125</sup>. The declining wildlife numbers where tourist cannot enjoy the glamour of the wildlife they knew has for example severely dented Kenya's image abroad which has badly impacted on tourism forcing a number of hotels and especially those at the coast scaling down on operations while others have closed down. Jane Mugo the executive director of FKE is reported saying that "the growing insecurity is among the main reasons explaining the declining tourist's arrivals, the impact on tourism and employment has impacted all the members"<sup>126</sup>. The sector basically has a number of members who are affected by the tourist number decline because it affects earnings of the players. This lead to loss of job opportunities and businesses that are affiliated to tourism sector, the overall impact is the country's economy.

According to Gimode, the UN report (1992:6) state that among other things; crime impairs the overall development of a nation, undermines spiritual and material well being, compromising human dignity and create a climate of fear and violence<sup>127</sup>. This endangers individual security which results in erosion of quality life. Increased incidences of crime therefore interfere with security thus creating situations not favourable for economic development of a country. Example Kenya is an economical and business hub for national

---

<sup>125</sup> Kabukuru W., Insecurity leads to Kenya's tourism decline, (Kenya, Editorial Analysis, Seychelles News Agency), June 20, 2014. Available at <http://www.seychellesnewsagency.com/articles/780/insecurity+leads+to+kenya's>. Accessed on 9<sup>th</sup> Nov.2015

<sup>126</sup> Ibid

<sup>127</sup> E. Gimode, An anatomy of violent crimes and security in Kenya: A Case of Nairobi 1985-1999 (Abstract), 2001 p.1 available at <http://Unpan1.Un.org/intradoc/group/publicdocuments/IDEP/UNPAN011852.pdf>. Accessed on 9<sup>th</sup> Nov. 2015

and international investors, tourist destination and its advantage in geographical positioning plays an influential position in international trade. The country is considered relatively stable thus attracting foreign investments and also served as a leading tourist destination and also hosting regional and international headquarters including that of United Nations. This however has since changed with crime and insecurity fundamentally affecting the country.

### **5.6 Threat of Organized Criminals**

The rise in the growth of transnational crime is indisputable and the effects are considerably being felt across the globe. While criminal gangs have been there it has increased with the new trends in the international system like globalisation which has enabled criminals to cross borders and it will become even more transnational in future and able to adopt other forms of organisations. This exposes many countries to the effects of organised criminal groups resulting in increase in insecurity. Given that they operate internationally, their actions are a threat to the global security often destroying legitimate business entities and also weakening government institutions.

The unstable political, social and economic conditions in African countries like Nigeria, Ghana and Liberia have helped some gangs to expand globally<sup>128</sup>. The increase in the number of organised gangs, their mutations and serious negative effects to the society is a reason enough for international community to craft a way forward in dealing with organised criminal groups. Organised gangs have disrupted livelihoods in many parts of developing countries thus undermining development, create fear and certainly negate the efforts towards attainment of national interests<sup>129</sup>. The members are networked criminals who come together to perform specific criminal activity with the sole purpose of

---

<sup>128</sup> National Crime Research Centre: *Summary of a Study on Organised Criminal Gangs in Kenya*, 2012. P.17

<sup>129</sup> Ibid

generating income illegally. This call for individuals acting in different roles determined through their skills and expertise where collaboration is reinforced by shared experiences and recommendations from friends, family and ethnic ties that bind them.

The group structures vary with successful organised criminal groups often consisting of durable core key individuals around them in a cluster of subordinates, specialists and other more transient members plus an extended network of associates<sup>130</sup>. Over the past several years, the global news media and police agency reports have mentioned—initially almost in passing but recently with increasing regularity—that poachers have been connected to localized militant and terrorist groups responsible for attacks on cities and towns. Poorer communities in conflict areas lose the value of wildlife to organised militia and rebel groups who use animal trophies such as elephant tusks and rhino horns to fund their operations. Furthermore, conflicts undermine development of tourism because tourists are put off by the risks related to a combination of conflict zones and poaching.

In Kenya, there are a number of known organised criminal groups. In October 2010, the minister of State for Provincial Administration and Internal Security following the enactment of the Prevention of Organised Crime Act in August, 2010, issued a *Gazette Notice* banning thirty three organised criminal groups on October, 18, 2010<sup>131</sup>. The groups usually engage in violence and threats against members of the society through attacks and even intimidation and settlement of domestic disputes through administration of violence.

The gangs engage in illicit goods where goods are sourced from one country, trafficked across another and marketed in another country. This permeates government agencies and

---

<sup>130</sup> National Crime Agency, *Organised Crime Groups*. Available at

<http://www.nationalcrimeagency.gov.uk/crime-threats/organised-crime-groups>. Accessed 9th Nov. 2015

<sup>131</sup> IFAW, Criminal nature International fund for animal welfare, *The Global Security Implications of the Illegal Wildlife Trade*, (2008).



institutions thus fuelling corruption, infiltrating business and politics resulting to hindrance on economic and social development. The groups normally don't operate in stagnation but often adapt as new technologies emerge making their relationship tend to become more flexible and sophisticated with a greater reach around the globe. The threat is lack of peace and human security, violation of human rights and undermining of economic, social, cultural, political and civil development of societies around the world<sup>132</sup>.

### **5.7 Cybercrime**

Animal trophy trafficking networks are increasingly engaging in electronic transactions and therefore cannot be detached from involvement in cybercrime. Trafficking of animal trophies has become even easier and the time involved in making a transaction has also become short because criminals are using internet to transact their business. The engagement result in loss of millions by individuals annually and also threatens sensitive corporate and government computer networks. Through cybercrime they pose significant threat to financial systems like banking and credit card services.

According to U.S. Secret Service, financial crimes are facilitated by anonymous online criminals and result in billions of dollars in losses to the nation's financial infrastructure<sup>133</sup>. This pervasive criminal activity affects both a country and its citizens and businesses therefore betraying the trust in the digital systems which are very crucial to a country and the economy of the country. Today, computers and internet play a critical role in most organised transnational crimes either as direct target or a weapon used in the perpetuating the crime.

---

<sup>132</sup> United Nations Office on Drugs and Crime, *Organised Crime*, 2015, available at <http://www.Unodoc.org/undoc/en/organised-crime/index.html>. Accessed 9th Nov. 2015

<sup>133</sup> Ibid

## **5.8 Summary**

The chapter has noted that organized criminal groups and militants who engage in illegal animal trophy trafficking pose a threat to national security therefore threatening the stability of nations. Discussions in the chapter also reveal that actors in the illegal trade also commit other forms of crime. Developing country's inability to enforce laws as a result of poor governance and the weakness associated with the laws become a motivational factor for the criminals to engage and cause insecurity to the societies through disrupted economies, proliferation of small arms and light weapons, importation of crime, penetration of government institutions, underdevelopment in the general economy and erosion of investor confidence among others.

The chapter has further noted the unstable political, social and economic conditions in African countries have helped trafficking to expand globally. The increase in the number of organised gangs, their mutations and serious negative effects to the society is a reason enough for international community to craft a way forward in dealing with organised criminal groups because of their nature to disrupted livelihoods in many parts of developing countries thus undermining development, create fear and certainly negate the efforts towards attainment of national interests.

The findings in this chapter contribute towards achieving the fourth objective. The chapter shows that animal trophy trafficking affect security of nations as animal trophy trafficking affect the general economic pillars such as political, social, cultural as well as civil development parameters. This is because players in international animal trophy trafficking have the resources and ability to infiltrate security systems in states and therefore resulting in increase in insecurity. The assertions in the discussion therefore confirm the third hypothesis that there is a relationship between animal trophy trafficking and national security.

## **CHAPTER SIX: ANALYSIS OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

### **6.1 Introduction**

Data was collected from respondents in each of the study organizations. Consequently, the collected data was analyzed and interpreted in line with the objectives. The main objective of the study was to investigate why international animal trophy trafficking continues despite an established state agency responsible for the protection and conservation of wildlife in Kenya. Specifically, this study sought to: examine the nature and status of international animal trophy trafficking in the world; assess the efficacy of existing global, regional and national legal and institutional frameworks in addressing trophy trafficking; examine the factors that influence the rise of international animal trophy trafficking in Kenya; and analyse the impact of international trophy trafficking on national security. This chapter further presents a summary of findings discussing implications of the findings for theory; policy and practice and expresses areas for further research in the field of animal trophy trafficking.

### **6.2 Response Rate**

Out of the 117 questionnaires distributed in the study organizations (50 for KWS staff and 67 for NGOs, 92 (78.6 percent) of the questionnaires were filled and collected, all of which were analyzed. This was a high response rate that was enhanced using various ways. First an introductory letter that briefly explained the purpose of the study accompanied the questionnaire assuring anonymity of the responses provided. Secondly, the drop and pick later method used to administer the questionnaires enhanced the response rate. In addition, phone calls and emails were used so as to get enough responses for statistical analysis and validity.

### 6.2.1 Profiles of the Respondents

Data regarding the characteristics of the respondents including gender, age, level of education, employment terms, length of service cadre in the organization and carder, were collected.

#### *Organization*

The study questionnaire was administered directly to employees serving at the Kenya Wildlife Service and conservation NGOs (Wildlife Direct, International Fund for Animal Welfare (IFAW), and Born Free Foundation) as well as two former KWS Directors as at April 2016. This section presents characteristics of the respondents. A summary of the response rates per organization is presented in Table 6.1.

**Table 6.1: Distribution of respondents by organization**

<b>Organization</b>	<b>Target Sample</b>	<b>Response</b>	<b>Response rate</b>
Kenya Wildlife Service	50	32	66.0
Wildlife Direct	20	18	90.0
International Fund for Animal Welfare	28	25	89.3
Born Free Foundation	19	16	84.2
<b>TOTAL</b>	<b>117</b>	<b>92</b>	<b>78.6</b>

**Source: Research Data (2016)**

Regarding their organization, Kenya Wildlife Service recorded a response rate of 66 percent, Wildlife Direct recorded a response rate of 90 percent, International Fund for Animal Welfare recorded a response rate of 89.3 percent, while Born Free Foundation recorded a response rate of 84.2 percent. This implies that participants in this study are by virtue of their employment been involved in wildlife conservation and are thus conversant with animal trophy trafficking and therefore the data provided is fit for further computation which can lead to making inferences.

### *Gender*

The distribution of the respondents by their gender is presented in Table 6.2

**Table 6.2: Distribution of respondents by gender**

<b>Gender</b>	<b>Frequency</b>	<b>Percent</b>
Male	71	77
Female	21	23
<b>Total</b>	<b>92</b>	<b>100</b>

**Source: Research Data (2016)**

In terms of the gender distribution, Table 6.2 shows a bias towards males. The study shows that majority of the respondents were males (n=71, 77 percent) while females were 21 (23 per cent). These points out that given the nature of the conservation job that is more oriented to combat operations in the wild, thus less female are involved.

### *Age*

Data on the age of the respondents was collected from both KWS and the conservation NGOs and the results of the age distribution are presented in Table 6.3.

**Table 6.3: Distribution of respondents by age**

<b>Age bracket</b>	<b>Frequency</b>	<b>Percent</b>
29 years and below	21	23
30-39 years	29	32
40-49 years	21	23
50 years and above	9	10
Not indicated	11	12
<b>Total</b>	<b>92</b>	<b>100</b>

**Source: Research Data (2016)**

Regarding their age, Table 6.3 shows that 29 (32 percent) of the respondents were aged between 30 and 39 years with 23 per cent aged between 40 and 49 years. 21 (23 percent) were 29 years and younger while 10 percent were aged over 50 years. 11 (12 percent) of the respondents did not indicate their age. The mean age was 38.45 with a standard deviation of 9.055. This reflects a younger workforce consistent with labour force composition in developing countries.

### *Highest level of Education*

Respondents were asked to indicate their education level and Table 6.4 has the findings.

**Table 6.4: Distribution of respondents by highest level of education**

<b>Highest level of education</b>	<b>Frequency</b>	<b>Percent</b>
PHD	2	2
Masters	17	18
Bachelors	19	21
Diploma	22	24
Certificate	16	17
A-level	9	10
O-level	6	7
Not indicated	1	1
<b>Total</b>	<b>92</b>	<b>100</b>

**Source: Research Data (2016)**

Table 6.4 shows that education levels of the employee respondents ranged from O-level (Certificate of Secondary Education) to PhD degree level. Results indicated that 22 (24 percent) were diploma holders with 38 (41 percent) holding Bachelors, Masters or PHD degrees; while 31 (34 percent) of the respondents had attained certificate level and less. One (1 percent) of the respondents did not indicate their level of education. The literacy levels reflected by the respondents give validity to the study as they demonstrated ability to clearly articulate the required information of the study subject without difficulties.

### *Employment terms*

Employment terms in these organizations ranges from permanent, contractual or internship. Distribution of respondents as per their employment terms is presented in Table 6.5.

**Table 6.5: Distribution of respondents by employment terms**

<b>Employment terms</b>	<b>Frequency</b>	<b>Percent</b>
Permanent	75	83
Contractual	11	12
Internship	3	3
Exchange programme	3	3
<b>Total</b>	<b>92</b>	<b>100</b>

**Source: Research Data (2016)**

Analysis of the responses in Table 6.5 reveal that the majority 75 (83 percent) of the respondents were permanently employed, with 11 (12 percent) in contractual employment. 3 (3 percent) were on internship while another 3 (3 percent) of the respondents were on exchange programmes. Given that a majority of the respondents were permanent in the respective organizations under study, the study benefitted from their institutional memories as they were able to provide the required information on animal trophy trafficking and the frameworks in place based on deeper understanding of the issues as a result of their continued service in their organizations.

*Length of service in the organization*

The length of service of the respondents in the conservation sector was also sought in this study and the results are presented in Table 6.6.

**Table 6.6: Distribution of respondents by length of service in the organization**

<b>Length of service</b>	<b>Frequency</b>	<b>Percent</b>
1-5 years	27	29
6-10 years	17	18
11-15 years	15	16
Over 15 years	31	34
Not indicated	3	3
<b>Total</b>	<b>92</b>	<b>100</b>

**Source: Research Data (2016)**

Table 4.6 shows the length of service that the responding employees had worked in the conservation sector. A total of 34 percent of the respondents have worked in the conservation sector for more than 15 years while 63 percent have worked in the sector for 15 years and less. Three percent of the respondents did not respond to the question. Just as in the case for employment terms, length of service has a link to one's intuitional memory. Given that 68 percent of the respondents reported having for more than six years illustrates that the information given in relation to animal trophy trafficking is based on a strong institutional memory thus validates the study findings.

### *Cadre in the organization*

Their cadre in the organized comprised top management, middle, lower and non-management staffs as indicated in Table 6.7.

**Table 6.7: Distribution of respondents by cadre in the organization**

<b>Cadre in the organization</b>	<b>Frequency</b>	<b>Percent</b>
Top Management Staff	5	6
Middle Management	10	11
Lower Management	40	43
Non-management	37	40
<b>Total</b>	<b>92</b>	<b>100</b>

**Source: Research Data (2016)**

Analysis in Table 6.7 indicates that 43 percent of the respondents were in lower management, 40 percent in non-management, 11 percent in middle management and 6 percent in top management. The fight against animal trophy trafficking is a collaborative arrangement that requires the input of all management levels from the operational to top level with each having distinct but crucial roles. The composition of the respondents depicting the various management levels as well as non management is a clear indication that in the study organization, all staff have an understanding of animal trophy trafficking and therefore their input is crucial to mitigate against the trade. This further validates the study findings.

## **6.3 International Animal Trophy Trafficking**

### **6.3.1 Nature and status of trophy trafficking in Kenya**

This study sought to examine the nature and status of international animal trophy trafficking in the world. As the study's first objective, a range of response categories; strongly disagree (1), disagree (2), neutral (3), agree (4) and strongly agree (5) were given to describe the nature and status of international animal trophy trafficking. The scores "strongly disagree" and "disagree" represented agreement with attributes/dimensions of



the nature and status of international animal trophy trafficking to a “Small Extent” (SE), equivalent to 1 to 2.4 on the continuous Likert scale ( $1 \leq SE < 2.4$ ). The scores of “neutral” represented agreement with attributes/dimensions of nature and status of international animal trophy trafficking to a “Moderate Extent”(ME). This was equivalent to 2.5 to 3.4 on the Likert scale ( $2.5 \leq ME < 3.4$ ). The score of “agree” and “strongly agree” represented agreement with attributes/dimensions of the nature and status of international animal trophy trafficking to a “Large Extent” (LE). This was equivalent to 3.5 to 5.0 on the Likert scale ( $3.5 \leq LE < 5.0$ ). A summary of the descriptive statistics for analysis of the nature and status of international animal trophy trafficking is presented in Table 6.8.

**Table 6.8: Nature and status of animal trophy trafficking**

<b>Item</b>	<b>n</b>	<b>Mean</b>	<b>Std. Dev</b>
Trophy traffickers are specialized criminal networks who deal with known and established markets	92	4.5	0.95
Illegal animal trophy trafficking goes on internationally	92	4.2	0.87
Players in international animal trophy trafficking have ability to foster corruption to protect their trade	92	4.2	0.86
Illegal animal trophy trafficking is a transnational organized crime	92	4.1	1.09
Existence of illegal markets with huge fast increasing profits has sustained international animal trophy trafficking	92	3.9	0.99
Quantities of animal trophies illegally traded across borders involve large-scale shipments	92	3.9	0.8
Trade in wildlife trophies generates a lot of money for the animal trophy traffickers	92	3.8	0.24
International animal trophy trafficking is a motivation from the high monetary gain that result from the activity	92	3.6	1.03

***Cronbach Alpha Coefficient = 0.8256***

***Composite Mean = 4.03, SD = 0.85***

**Source: Research Data (2016)**

As indicated in Table 6.8, findings reveal that animal trophy trafficking was rampant globally to a large extent as all the dimensions of international animal trophy trafficking studied had mean scores equivalent to 3.5 to 5.0 on the Likert scale ( $3.5 \leq LE < 5.0$ ). These findings are consistent with assertions by others scholars as espoused in the literature review. For instance, as earlier noted in the literature review, The International Conservation Caucus Foundation (2013) posits that despite the global commitments to protect threatened species from overexploitation, the scope and scale of illegal wildlife trade has risen to historic levels<sup>134</sup> mostly driven continued existence of black markets characterized by ongoing consumer demand as well as gaps in natural resource management, law enforcement, and trade controls. This study's findings that existence of illegal markets with huge fast increasing profits has sustained international animal trophy trafficking to a large extent is a backup to this assertions. As espoused by liberal theory there exists other significant actors in international system. Despite the fact that the state has machinery to counter international animal trophy trafficking, the illicit trade is global and rampant thus attracting transnational actors with abilities to change and adopt various ways and means of sustaining the international trafficking of animal trophies. It was hypothesized by the study that animal trophy trafficking is rampant internationally. Findings in Table 4.9 ascertain this. This qualifies assertions by the liberalists that animal trophy trafficking is a global business whose players have the ability to beat the established machineries by deterrent organizations internationally.

It was established that to large extent, illegal animal trophy trafficking is a transnational organized crime and that trophy traffickers are specialized criminal networks who deal with known and established markets. Transnational trafficking of animal trophies is

---

<sup>134</sup> International Conservation Caucus Foundation (ICCF), "The African Poaching Crisis," website, accessed March, 28.

highly characterised by a range of specialised personnel who engage in established markets and marketing networks internationally rather than engaging unknown and untested individuals. This calls for cooperation amongst institutions in order to effectively formulate and implement laws and regulations and also sharing of information that is informed by linking issues in a way that increases incentives of states to comply with temporarily undesired outcomes.

From the analysis in Table 6.8, trade in wildlife trophies generates a lot of money for the animal trophy traffickers to a large extent. This is in line with assertions by the World Wide Fund for Nature which noted that the high prices for illegal wildlife, aided by the lax law enforcement and security measures have motivated the involvement of transnational organized crime syndicates, who view such trafficking as an opportunity for large profits with a low risk of detection<sup>135</sup>.

Furthermore, from Table 6.8, trophy traffickers are specialized criminal networks who deal with known and established markets. According to the rational choice theory, rational decision making pertaining to crime involves the choice of the victims determined by the type of crime, modus operandi, where and when to commit it and what to do afterwards. Despite the deterrent measures and the global collaborative arrangements adopted to mitigate against poaching and animal trophy trafficking, these criminal networks still succeed in the poaching escapades with the obtained trophies instantly finding route to well known destination markets. Were they to operate without knowledge of the established markets for their poached trophies, it would have been hard to sustain their operations. Cooperation between the source and market country governments and other relevant stakeholders towards identification of markets and

---

<sup>135</sup> World Wide Fund for Nature (WWF) and Dalberg, *Fighting Illicit Wildlife Trafficking*, 2012.

coming up with ways to suppress the markets is a key factor towards the successful prevention of trophy trafficking.

### **6.3.2 Efficacy of institutional frameworks in addressing trophy trafficking**

The second objective of the study was to assess the efficacy of existing global, regional and national legal and institutional frameworks in addressing trophy trafficking. Selection of the items for measurement was informed by both theoretical considerations and descriptions of institutional framework for addressing animal trophy trafficking found in the literature and operationalized as per the study context. A five point Likert scale was used to measure the items where 1 represented 'strongly disagree' and 5 'strongly agree'. The objective was to measure the extent to which respondents were satisfied with existing global, regional & national legal and institutional frameworks in addressing trophy trafficking. Items in the scale measuring efficacy of existing global, regional and national legal and institutional frameworks in addressing trophy trafficking were expected to elicit positive responses thus a rate of 4 or 5 denoted a satisfaction with global, regional and national legal and institutional frameworks in addressing trophy trafficking, while a rating of 1 or 2 representing negative response denoted dissatisfaction. A rating of 3 was neutral. Thus, the cutoff point between satisfaction and dissatisfaction was then placed at 3.5. Table 6.9 has the findings in relation to this objective.

**Table 6.9: Efficacy of institutional frameworks in addressing trophy trafficking**

Item	N	Mean	Std. Dev
The Wildlife Crime Working Group by Interpol has been effective in facilitating and coordinating operational enforcement activities against animal trophy trafficking	92	3.8	0.65
Enactment of the WCMA 2013 has made animal trophy trafficking more punitive	92	3.7	0.78
There is commitment and sufficient cooperation between involved countries to promote preventive interventions against animal trophy trafficking	92	3.6	0.81
There is international consensus on approaches on how to address animal trophy trafficking	92	3.6	0.54
Minimal gaps in institutional frameworks for natural resource management, law enforcement and trade control have intensified ware against illegal wildlife trade	92	3.2	0.43
Mitigating initiatives have the capacity to control trophy trafficking	92	3.2	0.63
Minimal gaps in the implementation of legal frameworks gives perpetrators of animal trophy trafficking no opportunity for committing the crime	92	3.1	1.08
National policies are integrated, harmonised and enforce the wildlife policies and legislations for the purpose of wildlife security	92	3.1	1.36
There is no corruption within regulatory authorities to exhibit loopholes exploited by traffickers in order to circumvent the laws	92	2.9	1.4
Conservation NGOs improve wildlife law enforcement, catalysing political will, information and strengthening regional cooperative networks	92	2.8	1.24
Decision makers in wildlife trade are serious in allocating sufficient resources to develop preventive interventions targeted at banning illegal wildlife trade	92	2.7	0.98
Wildlife crime carries a higher risk of detection and prosecution than other trafficked items	92	2.7	0.62

***Cronbach Alpha Coefficient = 0.7231***

***Composite Mean = 3.20, SD = 1.17***

**Source: Research Data (2016)**

As shown in Table 6.9, overall, existing global, regional and national legal and institutional frameworks are ineffective in addressing trophy trafficking with a satisfaction rating of 3.2 out of a possible 5.0. Analysis of findings in Table 6.9 reveals that respondents were satisfied that the Wildlife Crime Working Group by Interpol has been effective in facilitating and coordinating operational enforcement activities against animal trophy trafficking; enactment of the WCMA 2013 has made animal trophy trafficking more punitive; there is commitment and sufficient cooperation between involved countries to promote preventive interventions against animal trophy trafficking and that there is international consensus on approaches on how to address animal trophy trafficking as they all with mean scores equivalent to 3.5 to 5.0 on the Likert scale. However, with a mean scores just above the cut-off point, results indicate that respondents were moderately satisfied that these legislative arrangements have been effective in addressing animal trophy trafficking. From the Table, it is clear that that there are collaborative arrangements between the various actors against internal trophy trafficking. For instance, there are collaborations between Interpol, Conservation NGOs as well as state agencies. States are the key actors in international relations but are not the only significant actors and in the war against international trophy trafficking. States encourage international consensus on approaches on how to address animal trophy trafficking so as to eliminate any gaps in the adopted mitigation measures. However, the varying degrees of effectiveness in implementing enacted laws and legislation creates gaps and loopholes that are exploited by the animal trophy traffickers across borders. Furthermore more, finding that there is commitment and sufficient cooperation between involved countries to promote preventive interventions against animal trophy trafficking illustrates assertion emphasized on cooperation among multiplicity of actors and that

states seek to maximise absolute gains through cooperation so as to achieve national goals.

### **6.3.3 Factors influencing rise in animal trophy trafficking**

The third objective of this study was to examine the factors that influence the rise of international animal trophy trafficking in Kenya. These could be explained by the rational choice theory, holding that man is a reasoning actor who weighs means to an end, costs and benefits before making the rational choice and that an individual chooses an activity that has a likelihood of resulting to highest reward. From the literature review, factors that influence the rise in animal trophy trafficking are multifaceted. They include globalisation that include internet platforms and economies of scale associated with the illegal trade, demand and available supply, weak institutional enforcement also contribute to the increase, involvement of organized crime syndicates and rebel groups in wildlife crimes, and the absence of credible law enforcement, prosecution, penalties and other deterrents to wildlife trafficking reducing the perceived risks for criminal groups. To establish the extent to which these factors influence the rise in animal trophy trafficking in Kenya, a range of response categories; strongly disagree (1), disagree (2), neutral (3), agree (4) and strongly agree (5) were given to o examine the factors that influence the rise of international animal trophy trafficking in Kenya.

The scores “strongly disagree” and “disagree” represented a factor influencing the rise of international animal trophy trafficking in Kenya to a “Small Extent” (SE), equivalent to 1 to 2.4 on the continuous Likert scale ( $1 \leq SE < 2.4$ ). The scores of “neutral” represented a factor influencing the rise of international animal trophy trafficking in Kenya to a “Moderate Extent” (ME). This was equivalent to 2.5 to 3.4 on the Likert scale ( $2.5 \leq ME < 3.4$ ). The score of “agree” and “strongly agree” represented a factor influencing the rise of international animal trophy trafficking in Kenya to a “Large

Extent” (LE). This was equivalent to 3.5 to 5.0 on the Likert scale ( $3.5 \leq LE < 5.0$ ). A summary of the descriptive statistics for analysis of factors influencing the rise of international animal trophy trafficking in Kenya is presented in Table 6.10.

**Table 6.10: Factors influencing rise in animal trophy trafficking**

<b>Item</b>	<b>n</b>	<b>Mean</b>	<b>Std. Dev</b>
Minimal fines have motivated many of the smugglers and traffickers making the trade even more lucrative	92	4.3	0.04
The trade has become a multi-billion Dollar enterprise	92	4.2	1.31
Expansion of economies, international commerce, Transportation and the use of ICT has helped fuel demands for illegal wildlife products	92	4.1	0.87
Increased ease of travel through Kenya’s key entry and exit points play crucial roles to trophy trafficking	92	3.9	0.69
Inadequate employment opportunities have fuelled trophy trafficking	92	3.9	1.29
Poverty is the driving factor for engaging in poaching by locals	92	3.9	1.64
Free movement of goods, services, people and finances have greatly aided traffickers	92	3.8	0.85
Demand from destination markets against the less supply of the commodity has fuelled the prices of animal trophies	92	3.8	0.74
New opportunities provided by globalization have greatly aided traffickers	92	3.6	1.02
Unmanned porous borders and transportation routes have given rise to trophy trafficking	92	3.6	0.58
Economic and political insecurity have helped give rise to trophy trafficking	92	3.5	1.34
Significant number of wild animals are found outside protected areas exposing them to poaching threats	92	2.4	1.65
<b><i>Cronbach Alpha Coefficient = 0.7782</i></b>			
<b><i>Composite Mean = 3.75, SD = 0.98</i></b>			

**Source: Research Data (2016)**

From 6.10, nine factors were measured to establish the extent to which they influence the rise in animal trophy trafficking. The overall Cronbach alpha coefficient of the scale was



0.7782 indicating a high internal consistency of the data collected. From the findings, the greatest factor influencing the rise in animal trophy trafficking in Kenya was the minimal fines levied against those involved in the trade. Findings in Table 6.10 show that respondents agreed to a large extent that minimal fines have motivated many of the smugglers and traffickers making the trade even more lucrative. This supports arguments by Vine (2004) that many countries lack strict national legislations and appropriate penalties capable of addressing the crime and that the lack of credibility in relation to law making, criminal investigation, prosecution and sentencing is a major barrier to enforcement. The absence of credible law enforcement motivates involvement in illicit wildlife trafficking as an alternative to other crimes such as drug trafficking or human trafficking. Moreover, the focus and attention given to crimes by deterrent authorities is weaker in relation to wildlife crimes. In many of the source and consumer countries, wildlife crime carries a lower risk of detection and prosecution than other illegally trafficked items, such as drugs and humans. Even when found guilty, those who have profited from illicit wildlife trafficking receive relatively low penalties, making the business an attractive option for criminal groups. Even with prescribed legislations by states to deter animal trophy trafficking, the motivation to engage in the vice may balance out such anticipated costs. The cost-benefit analysis done by players in this illicit trade supports the rational choice theory holding that individuals choose an activity that as a likelihood of resulting to highest reward.

Findings however indicated that respondents disagreed that significant number of wild animals are found outside protected areas exposing them to poaching threats. Analysis of findings show that the significant number of wild animals found outside protected areas was influencing the rise of international animal trophy trafficking in Kenya to a small extent equivalent to 1 to 2.4 on the continuous Likert scale ( $1 \leq SE < 2.4$ ). Despite the fact

that the conservation approach adopted by the Kenya Wildlife Service is mainly based on protected area, the significant number of wild animals found outside the protected areas do not pose greater challenges in their protection since the organization has presence across the republic with respect to territorial ranges of respective wildlife species. This negates assertions in the literature review that for rhinos, the black species live and maintain a territorial range which increases its vulnerability to poachers.

Overall, factors influencing rise in animal trophy trafficking had a composite mean score of 3.83 out of a possible 5, equivalent to 3.5 to 5.0 on the Likert scale ( $3.5 \leq LE < 5.0$ ) on the likert scale. However, the standard deviation of  $< 1.0$  showed minimal dispersions from the midpoint. This shows that the respondents did not differ widely on the extent to which these factors influence the rise in animal trophy trafficking.

#### **6.3.4 Trophy trafficking and national security**

Besides driving many endangered species towards extinction, illegal wildlife trade strengthens criminal networks, undermines national security, and poses increasing risks to global health. The fourth and final objective of the study was to analyse the impact of international trophy trafficking on national security using a range of response categories; strongly disagree (1), disagree (2), neutral (3), agree (4) and strongly agree (5) were given to describe the impact of international trophy trafficking on national security.

The scores “strongly disagree” and “disagree” represented an impact of international trophy trafficking on national security experienced to a “Small Extent” (SE), equivalent to 1 to 2.4 on the continuous Likert scale ( $1 \leq SE < 2.4$ ). The scores of “neutral” represented an impact of international trophy trafficking on national security experienced to a “Moderate Extent” (ME). This was equivalent to 2.5 to 3.4 on the Likert scale ( $2.5 \leq ME < 3.4$ ). The score of “agree” and “strongly agree” represented an impact of

international trophy trafficking on national security experienced to a “Large Extent” (LE). This was equivalent to 3.5 to 5.0 on the Likert scale ( $3.5 \leq LE < 5.0$ ). A summary of the descriptive statistics for analysis of the international trophy trafficking on national security is presented in Table 6.11.

**Table 6.11: Trophy trafficking and national security**

<b>Item</b>	<b>n</b>	<b>Mean</b>	<b>Std. Dev</b>
Animal trophy traffickers use weapons that can be acquired only from military sources	92	4.6	0.62
Hundreds of park rangers charged with protecting wildlife from poachers have lost their lives as a result of armed contacts with animal trophy traffickers	92	4.3	0.34
Animal trophy trafficking involves sophisticated forgery and alteration of permits and certifications, a threat to national security	92	4.2	0.56
Animal trophy traffickers are well-armed participants with the latest weapons	92	4.2	0.81
Proceeds from wildlife trafficking are used to purchase weapons, finance civil conflicts and underwrite terrorist-related activities	92	4.1	1.38
Families that depend on natural resources are losing their livelihoods as a result of animal trophy trafficking	92	3.8	0.87
Animal trophy traffickers have been connected to localized militant and terrorist groups responsible for attacks on cities and towns	92	3.8	1.2
Animal trophy trafficking undermines national security	92	3.7	1.1
Animal trophy trafficking strengthens criminal networks in the country	92	3.5	1.2
<b><i>Cronbach Alpha Coefficient = 0.8434</i></b>			
<b><i>Composite Mean = 4.02, SD = 0.90</i></b>			

**Source: Research Data (2016)**

From Table 6.11, animal trophy trafficking has affected national security to a large extent with a composite mean of 4.02 out of a possible 5. Analysis of findings indicate that animal trophy traffickers use weapons that can be acquired only from military sources (4.6); hundreds of park rangers charged with protecting wildlife from poachers have lost

their lives as a result of armed contacts with animal trophy traffickers (4.3); animal trophy trafficking involves sophisticated forgery and alteration of permits and certifications, a threat to national security (4.2); animal trophy traffickers are well-armed participants with the latest weapons (4.2); proceeds from wildlife trafficking are used to purchase weapons, finance civil conflicts and underwrite terrorist-related activities by the Al Shabab (4.1); families that depend on natural resources are losing their livelihoods as a result of animal trophy trafficking (3.8); animal trophy traffickers have been connected to localized militant and terrorist groups responsible for attacks on cities and towns (3.8); animal trophy trafficking undermines national security (3.7) and that animal trophy trafficking strengthens criminal networks in the country (3.5).

#### **6.4 Summary of findings**

This study sought to establish investigate why international animal trophy trafficking continues despite an established state agency responsible for the protection and conservation of wildlife in Kenya. Specifically, this study sought to: examine the nature and status of international animal trophy trafficking in the world; assess the efficacy of existing global, regional & national legal and institutional frameworks in addressing trophy trafficking examine the factors that influence the rise of international animal trophy trafficking in Kenya; and analyse the impact of international trophy trafficking on national security. This research used a descriptive survey whose target population consisted of employees of Kenya Wildlife Service and conservation NGOs. Out of the 117 questionnaires distributed in the study organizations, 78.6 percent of the questionnaires were filled and collected, all of which were analyzed. The study used primary data, which was gathered from respondents using a semi structured questionnaire, which was analyzed using descriptive statistics.

The first objective of the study was to examine the nature and status of international animal trophy trafficking in the world. It was established that that animal trophy trafficking was rampant globally to a large extent as all the dimensions of international animal trophy trafficking. It was established that to large extent, illegal animal trophy trafficking is a transnational organized crime and that trophy traffickers are specialized criminal networks who deal with known and established markets. This supports the argument that transnational trafficking of animal trophies is highly characterised by a range of specialised personnel who engage in established markets and marketing networks internationally rather than engaging unknown and untested individuals. From the analysis, trade in wildlife trophies generates a lot of money for the animal trophy traffickers to a large extent.

The second objective of the study was to assess the efficacy of existing global, regional and national legal and institutional frameworks in addressing trophy trafficking. Overall, existing global, regional and national legal and institutional frameworks are ineffective in addressing trophy trafficking. Analysis of findings reveals that respondents were satisfied that the Wildlife Crime Working Group by Interpol has been effective in facilitating and coordinating operational enforcement activities against animal trophy trafficking; enactment of the WCMA 2013 has made animal trophy trafficking more punitive; there is commitment and sufficient cooperation between involved countries to promote preventive interventions against animal trophy trafficking and that there is international consensus on approaches on how to address animal trophy trafficking as they all with mean scores equivalent to 3.5 to 5.0 on the Likert scale. However, with a mean scores just above the cut-off point, results indicate that respondents were moderately satisfied that these legislative arrangements have been effective in addressing animal trophy trafficking. Findings further indicate that respondents were dissatisfied that minimal gaps in the

implementation of legal frameworks gives perpetrators of animal trophy trafficking no opportunity for committing the crime; national policies are integrated, harmonised and enforce the wildlife policies and legislations for the purpose of wildlife security; there is no corruption within regulatory authorities to exhibit loopholes exploited by traffickers in order to circumvent the laws; conservation NGOs improve wildlife law enforcement, catalysing political will, information and strengthening regional cooperative networks; decision makers in wildlife trade are serious in allocating sufficient resources to develop preventive interventions targeted at banning illegal wildlife trade and that wildlife crime carries a higher risk of detection and prosecution than other trafficked items hindering the war against animal trophy trafficking in Kenya.

The third objective of this study was to examine the factors that influence the rise of international animal trophy trafficking in Kenya. From the findings, the greatest factor influencing the rise in animal trophy trafficking in Kenya was the minimal fines levied against these involved in the trade. Findings show that respondents agreed to a large extent that minimal fines have motivated many of the smugglers and traffickers making the trade even more lucrative. The absence of credible enforcement mechanisms incentivizes involvement in illicit wildlife trafficking as an alternative to other crimes such as drug trafficking or human trafficking. In many of the source and consumer countries, wildlife crime carries a lower risk of detection and prosecution than other illegally trafficked items, such as drugs and humans. Even when found guilty, those who have profited from illicit wildlife trafficking receive relatively low penalties, making the business an attractive option for criminal groups. Findings however indicated that respondents disagreed that significant number of wild animals are found outside protected areas exposing them to poaching threats. Analysis of findings show that the significant number of wild animals found outside protected areas was influencing the rise of

international animal trophy trafficking in Kenya to a small extent. Despite the fact that the conservation approach adopted by the Kenya Wildlife Service is mainly based on protected area, the significant number of wild animals found outside the protected areas do not pose greater challenges in their protection since the organization has presence across the republic with respect to territorial ranges of respective wildlife species.

The fourth and final objective of the study was to analyze the impact of international trophy trafficking on national security. It was established that animal trophy trafficking has affected national security to a large extent. Analysis of findings indicate that animal trophy traffickers use weapons that can be acquired only from military sources; hundreds of park rangers charged with protecting wildlife from poachers have lost their lives as a result of armed contacts with animal trophy traffickers; animal trophy trafficking involves sophisticated forgery and alteration of permits and certifications, a threat to national security; animal trophy traffickers are well-armed participants with the latest weapons; proceeds from wildlife trafficking are used to purchase weapons, finance civil conflicts and underwrite terrorist-related activities by the Al Shabab; families that depend on natural resources are losing their livelihoods as a result of animal trophy trafficking; animal trophy traffickers have been connected to localized militant and terrorist groups responsible for attacks on cities and towns; animal trophy trafficking undermines national security and that animal trophy trafficking strengthens criminal networks in the country.

## **6.5 Conclusions**

It is clear that animal trophy trafficking is rampant globally. Also, findings revealed that minimal fines have motivated many of the smugglers and traffickers making the trade even more lucrative and that the absence of credible mechanisms enforcement incentivizes involvement in illicit wildlife trafficking as an alternative to other crimes

such as drug trafficking or human trafficking. Furthermore, existing global, regional and national legal and institutional frameworks are ineffective in addressing trophy trafficking and that animal trophy trafficking has affected national security to a large extent.

## **6.6 Recommendations**

The first objective of the study was to examine the nature and status of international animal trophy trafficking in the world. It was established that that animal trophy trafficking was rampant globally and that illegal animal trophy trafficking is a transnational organized crime and that trophy traffickers are specialized criminal networks who deal with known and established markets. It is longer a problem localized to parts of the world where many lack access to basic resources, but the illegal trade in wildlife has grown to become a massive global industry. It was recommended that the wildlife problem be framed as a national security issue that needs global response through well interlinked governance systems in both source and consumer states.

The second objective of the study was to assess the efficacy of existing global, regional and national legal and institutional frameworks in addressing trophy trafficking. It is clear that the institutional framework is not effective in combating animal trophy trafficking. It is recommended that the existing loopholes in collaborative arrangements between the respective global, regional, and national agencies be streamlined so as to effectively implement the provisions of the various legislative provisions in the fight against animal trophy trafficking.

The third objective of this study was to examine the factors that influence the rise of international animal trophy trafficking in Kenya. It was stabled that the greatest factor influencing the rise in animal trophy trafficking in Kenya was the minimal fines levied against these involved in the trade. This study recommends use of various legislations



including economic crimes, tax laws, organised crimes as well as environmental laws and also put emphasis on the need for collaboration amongst various security agents and striving for better detection capabilities to enable monitoring of movement of wildlife trophies and arrangements to pay attention to the security of Kenya's international borders with appropriate action on the supply and demand side.

The fourth and final objective of the study was to analyse the impact of international trophy trafficking on national security. Findings indicated that animal trophy traffickers use weapons that can be acquired only from military sources; hundreds of park rangers charged with protecting wildlife from poachers have lost their lives as a result of armed contacts with animal trophy traffickers; animal trophy trafficking involves sophisticated forgery and alteration of permits and certifications, a threat to national security; animal trophy traffickers are well-armed participants with the latest weapons; proceeds from wildlife trafficking are used to purchase weapons, finance civil conflicts and underwrite terrorist-related activities by the Al Shabab; families that depend on natural resources are losing their livelihoods as a result of animal trophy trafficking; animal trophy traffickers have been connected to localized militant and terrorist groups responsible for attacks on cities and towns; animal trophy trafficking undermines national security and that animal trophy trafficking strengthens criminal networks in the country. This study recommend a systematic in fighting illicit wildlife trafficking including greater resourcing, inter-ministerial cooperation, and the use of modern intelligence-led investigative techniques to identify and prosecute wildlife criminals.

## **6.7 Areas for Further Research**

This study was conducted in Kenya specifically at the Kenya Wildlife Service in addition to conservation NGOs. While these are unquestionably valuable and useful findings, from an idealistic perspective, no two contexts are completely identical and each has its own

set of uniqueness. With all things considered, the uniqueness of each context warrants another study. Due to contextual differences, responses adopted may be different. It is recommended that a similar study is done cutting across other wildlife range states so as to allow for broader generalization and comparison of findings with respect to animal trophy trafficking.

## REFERENCES

- Baylis J. & Smith S., *The Globalization of World Politics: An Introduction to International Relations*, (Oxford, Oxford University Press, 2001), pp.189-190
- CITES, IUCN, & TRAFFIC. Status of African elephant populations and levels of illegal killing and the illegal trade in ivory, *A report to the African Elephant Summit, December, 2013*. Gaborone, Botswana
- Convention on the Conservation of Migratory Species of wild Animals, 19 I.L.M. ." (1980).
- Douglas-Hamilton, I., Africa elephants: Population trends and their causes, *Oryx*, 1987. 21(1), p.11-24
- Duffy, R. *Nature Crime, How we're getting conservation wrong*. 2010.
- Gabriel, G., Hua, N., & Wang, J., *Making a killing: A 2011 Survey of Ivory Markets in China*, p. 776-787, IFAW, Yarmouth Port, Massachusetts, USA.2012.
- Gamba V., *Society under Siege: Crime, Violence and Illegal Weapons*, (South Africa, Institute for Security Studies) p.19
- Hakansson, N. T. "The human ecology of world systems in East Africa: The impact of the ivory trade, *Human Ecology*." 2004: 32(5), 561-591.
- Holsti K. J., *The Dividing Discipline: Hegemony and Diversity in International Theory* (Boston: Allen & Unwin) pp.42
- Ian Douglas-Hamilton, 'Time Running Out to Save Elephants from Ivory Trade', *SWARA Magazine*, Issue 1, Jan-Mar, p.23."
- Jackson, T., Ivory apocalypse, *Africa geographic*, 2013.
- Karl P. Magyar *Global Security Concerns: Anticipating the twenty-first century*. Air University Press., 2<sup>nd</sup> ed. 2000. P.90
- Keohane R. & Martin L., "The Promise of Institutional Theory", *International Security* (New York, NY: Princeton Publishers, 1995) pp.47
- Majumdar, O., Galster, S. & Goessman, D. "Reversing the Tide of Wildlife Poaching and Trafficking." 2014),.
- Michael, D. L. & Gary, W. P. . *Organised Crime*. Prentice Hall.Pearson Education, Inc., 2007 pp 61, 4th ed.
- Mugenda M.O. A., and Mugenda G. *Research Methods: Quantitative and Qualitative Approaches*. . Nairobi : Acts Press, (1999), P.49.
- Nation, United. *World Drug Report: United Nations International Drug Control Programme* . New York,: United States, Oxford University Press Inc., 1997.

- National Crime Research Centre: Summary of a Study on Organised Criminal Gangs in Kenya,.” 2012. P.17.
- Neme A. L. *Animal Investigator: How the First Wildlife Forensic Labs Solving Crimes and Saving Endangered Species*. Scribner New York, 2008
- Okello, J. B. A., Wittemyer, G. Rasmussen, H. B., Arctander, P., Nyakaana, S., Douglas-Hamilton, I., & Siegismund, H. R., Effective population size dynamics reveal impacts of historic climatic events and recent anthropogenic pressure in African elephants, *Molecular Ecology*, 2008. 17(17), p. 3788-3799.
- Oye K., “Explaining Cooperation Under Anarchy: Hypothesis and Strategies”, in *Cooperation Under Anarchy*, ed., K. Oye, Princeton: Princeton University Press, 1989) pp1-24
- Polinsky, A.M. and Shavell, S., . “The theory of public enforcement of law, 1(07).” 2007: 455-495.
- Republic of Kenya.Statement on the Future of Wildlife Management Policy in Kenya No. 3 Sessional Paper, 1975.
- Result of a pilot Survey of Forty Selected organized Criminal Groups in Sixteen Countries (2002).
- Said, M. Y., Chunge, R. N., Craig, G. C., Thouless, C. R., Barnes, R. F. W., & Dublin, H. T. (1995), African Elephant Database .. “Paper presented at the IUCN Species Survival Commission, IUCN, Gland, Switzerland.” 1995.
- Srikosamatara, S., Siripholdej, B. & Suteethorn, V., ,. “Wildlife trade in Lao PDR and between Lao PDR and Thailand. Nat. Hist. Bull. Siam ....” ,(1992) pp.1–47.
- Status of African elephant population and levels of illegal killing and illegal trade in ivory: CITES report. 2013. P.9.
- Stephen B., Finn -Aage E. & Geis G., . *Criminology: Explaining Crime and its Context*, *Underson Publishing*,. pp 213.
- Stephenson, P. J.WWF Species Action Plan: African Elephant, 2007-2011, World Wide Fund for Nature, Gland, Switzerland, 2007.
- TAWIRI, *Tanzania Elephant Management Plan 2010-2015*, Tanzania Wildlife Research Institute, Arusha-Tanzania.2010.
- Timber Act (cap 386), Agricultural Act (cap 318) Emphasizes agro-business rather than Agro-ecology; Water Act, (cap 372)
- TRAFFIC, What’s Driving the Wildlife Trade?, *A Review of Expert Opinion on Economic and Social Drivers of the Wildlife Trade and Trade Control Efforts in Cambodia, Indonesia, Lao PDR and Vietnam*, 2008.
- United Nation. *World Drug Report: United Nations International Drug Control Programme*. New York: United States, Oxford University Press Inc., 1997.

Vanda Felbab-Brown (Brookings), *The Disappearing Act*, Jun. 2011; World Bank, *Going, Going, Gone*, Jul. 2005.

Wamukoya, G. M., and Situma, . *F.D.P. Environmental Management in Kenya; A Guide to the 15 Environmental Management and Coordination Act*. Nairobi: CREEL, 1999.

Wendt A., “Anarchy is What State Make of it: The Social Construction of Power Politics”. *International Organisation Cambridge Journal*, 46(2) 1992, pp.391-425

World Wide Fund for Nature (WWF) and Dalberg, *Fighting Illicit Wildlife Trafficking*, 2012.

### **On-line Services**

Ayling J., What Sustains Wildlife Crime? Rhino Horn Trading and the Resilience of Criminal Networks, *Journal of International Wildlife Law & Policy*, 16(1), pp.57–80. Available at: <http://www.tandfonline.com/doi/abs/10.1080/13880292.2013.764776> (Accessed September 30, 2015).

Bukuru W. *Insecurity leads to Kenya’s tourism decline, (Kenya, Editorial Analysis, Seychelles NewsAgency)*,2014.<http://www.seychellesnewsagency.com/articles/780/insecurity+leads+to+kenya’s>

Daily Nation. *Ivory Trade puts Kenya on Spot. By James Kariuki*. . 12, March 2013, available at [www.nation.co.ke](http://www.nation.co.ke)

Department of Environmental Affairs Republic of South Africa (2012). Minister Edna Molewa addresses National Press Club on the ongoing scourge of rhino poaching. Availableat:[http://www.environment.go.za/?q=content/molewanational\\_pressclub\\_rhino\\_poaching\\_briefing](http://www.environment.go.za/?q=content/molewanational_pressclub_rhino_poaching_briefing)

Elephants under Threat. Available at [http://bornfree.org.Uk/campaigns/elaphants/elephants\\_under\\_Threat](http://bornfree.org.Uk/campaigns/elaphants/elephants_under_Threat) (<http://Perma.cc/OGgK2R6Fr1W>)

European Commission: EU Action Plan Against Wildlife Trafficking,( 2015) p. 1, available at [ec.europa.eu](http://ec.europa.eu).

Factsheet: The United States and China Issue Joint Presidential Statement on Climate Change with New Domestic Policy Commitments and a Common Vision for an Ambitious Global Climate Agreement in Paris. Available at; <http://www.whitehouse.gov/the-press-office/2015/09/25/fact-sheet-united-states-and-china-issue-joint-presidential-statement>

Gimode E., An anatomy of violent crimes and Kenya: *security in A Case of Nairobi 1985-1999 (Abstract)*, 2001 p.1 available at <http://Unpan1.Un.org/intradoc/group/publicdocuments/IDEP/UNPAN011852.pdf>

- Hechter & Kanazawa. "Sociological Rational Choice Theory. Annual Review of Sociology,." 1997 Vol 23 pp.191-214. Available at <http://www.traffic.org/rhinos/> Accessed on 02 September 2015
- Iana S. Wyler & Pervaze A. Sheikh. " International illegal Trade in Wildlife: Threats and U.S. Policy. A Report for the Members and Committees of Congress, . ." 2008, p.15. [fpc.State.gov](http://fpc.State.gov).
- Liana S. & Pervaze A., *International illegal Trade in Wildlife: Threats and U.S. Policy. A Report for the Members and Committees of Congress, 2008, p.15.* Available at [fpc.State.gov](http://fpc.State.gov).
- Liana, S. W., Pervaze , A. S., . *International Trade in Wildlife: Threats and U.S Policy A Report for members and committees of congress. . (2013).* ; [fpc.state.gov](http://fpc.state.gov).
- Mary C. O'Connor, *Inside the Complicated World of Online Wildlife Trafficking, 2015.* Available at [Theguardian.com](http://Theguardian.com).
- Rosen, G.E. and Smith, K.F., . *Summarizing the Evidence on the International Trade in Illegal Wildlife, EcoHealth, 7(1), pp.24–32.*(2010). Available at <http://link.springer.com/10.1007/s10393-010-0317-y>
- Sheikh, Liana S. Wyler & Pervaze A. "International illegal Trade in Wildlife: Threats and U.S. Policy. A Report for the Members and Committees of Congress, , Available at [fpc.State.gov](http://fpc.State.gov)." 2008, p.15
- Status of Wildlife Conservation in Kenya. Available at [www.kws.org](http://www.kws.org)
- Tristan McConnell, ., *Elephant Tusks: The New Blood Diamonds.* 18 July 2013. Available at [www. global post](http://www.globalpost)
- Valerie Hickey, *The Global Security Implications of the Illegal Wildlife Trade 2013.* Available at [www.ifaw.org](http://www.ifaw.org)
- Walsh M. T., Helsinki Commission,. *House Armed Services Committee Examine Trafficking in Persons, HELSINKI COMM'N DIGEST,* available at <http://www.csce.gov/index.cfm>.
- Wanyira F., Kanga E., Kiprono W., *Fighting Wildlife Trade in Kenya. UN Chronicle Vol LI No. 22014.* [http:// unchronicle.un.org/article/ fighting-wildlife-trade-kenya/](http://unchronicle.un.org/article/ fighting-wildlife-trade-kenya/).
- Wepundi M., et al., *Availability of Small Arms and Perceptions of Security in Kenya: An Assessment (Geneva, (A. (1999), P.49)Small Arms Survey)* <http://www.smallarmssurvey.org/fileadmin/docs/c-special-reports/SAS-SR16-kenya.pdf>.
- Wildlife trade: What is it? Available at [Traffic.org](http://Traffic.org).

## APPENDICES

### Appendix I: Study Questionnaire

Kindly answer the following questions as accurately as possible. Your individual responses are strictly confidential and anonymous. Your answers shall be used for academic purposes only. Please tick your answer against each question in the spaces provided.

#### SECTION A: PROFILE OF RESPONDENT AND OTHER DEMOGRAPHIC FACTORS

1. In which organization are you working?
  - a) KWS
  - b) NGO (please specify).....
2. Sex of the respondent:
  - a) Male
  - b) Female
3. Age of respondent
  - a) 29 years and below
  - b) 30-39 years
  - c) 40-49 years
  - d) 50 years and above
4. What is your highest level of Education?
  - a) PHD
  - b) Masters
  - c) Bachelors
  - d) Diploma
  - e) Certificate
  - f) O- or A-level
  - g) f) Other (please specify).....
5. Employment terms:
  - a) Permanent
  - b) Contractual
  - c) Internship
  - d) Exchange programme

6. For how long have you worked in the organization?

- a) Less than 1 year ( )
- b) 1-5 years ( )
- c) 6-10 years ( )
- d) 11-15 years ( )
- e) Over 15 years ( )

7. Cadre in the organization

- a) Top Management Staff ( )
- b) Middle Management ( )
- c) Lower Management ( )
- d) Non-management ( )

**SECTION B: NATURE AND STATUS OF INTERNATIONAL ANIMAL TROPHY TRAFFICKING**

The following statements refer to international animal trophy trafficking. Based on your experience of international animal trophy trafficking, please indicate the extent to which the statements describe the nature and status of international animal trophy trafficking by ticking the appropriate response.

	Nature and status of international animal trophy trafficking	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
		5	4	3	2	1
	Trophy traffickers are specialized criminal networks who deal with known and established markets					
	Illegal animal trophy trafficking is goes on internationally					
	Players in international animal trophy trafficking have ability to foster corruption to protect their trade					
	Illegal animal trophy trafficking is a transnational organized crime					
	Existence of illegal markets with huge fast increasing profits has sustained international animal trophy trafficking					
	Quantities of animal trophies illegally traded across borders involve large-scale shipments					



	<b>Nature and status of international animal trophy trafficking</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly disagree</b>
		<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
	Trade in wildlife trophies generates a lot of money for the animal trophy traffickers					
	International animal trophy trafficking is a motivation from the high monetary gain that result from the activity					

**SECTION C: EFFICACY OF INSTITUTIONAL FRAMEWORKS IN ADDRESSING TROPHY TRAFFICKING**

To what extent do you consider each of the following statements to reflect the efficacy of institutional frameworks in addressing trophy trafficking

<b>Statement</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly disagree</b>
	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
The Wildlife Crime Working Group by Interpol has been effective in facilitating and coordinating operational enforcement activities against animal trophy trafficking					
Enactment of the WCMA 2013 has made animal trophy trafficking more punitive					
There is commitment and sufficient cooperation between involved countries to promote preventive interventions against animal trophy trafficking					
There is international consensus on approaches on how to address animal trophy trafficking					
Minimal gaps in institutional frameworks for natural resource management, law enforcement and trade control have intensified ware against illegal wildlife trade					
Mitigating initiatives have the capacity to control trophy trafficking					
Minimal gaps in the implementation of legal frameworks gives perpetrators of animal trophy trafficking no opportunity for committing the crime					

Statement	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
	5	4	3	2	1
National policies are integrated, harmonised and enforce the wildlife policies and legislations for the purpose of wildlife security					
There is no corruption within regulatory authorities to exhibit loopholes exploited by traffickers in order to circumvent the laws					
Conservation NGOs improve wildlife law enforcement, catalysing political will, information and strengthening regional cooperative networks					
Decision makers in wildlife trade are serious in allocating sufficient resources to develop preventive interventions targeted at banning illegal wildlife trade					
Wildlife crime carries a higher risk of detection and prosecution than other trafficked items					

**SECTION D: FACTORS THAT INFLUENCE THE RISE OF INTERNATIONAL ANIMAL TROPHY TRAFFICKING IN KENYA**

The following statements refer to factors that influence the rise of international animal trophy trafficking in Kenya. Based on your experience of international animal trophy trafficking, please indicate the extent to which the statements describe the factors that influence the rise of international animal trophy trafficking in Kenya by ticking the appropriate response.

Factor	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
	5	4	3	2	1
New opportunities provided by globalization have greatly aided traffickers					

Factor	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
	5	4	3	2	1
Free movement of goods, services, people and finances have greatly aided traffickers					
Expansion of economies, international commerce, Transportation and the use of information and communication technology (ICT) has helped fuel demands for illegal wildlife products					
The trade has become a multi-billion Dollar enterprise					
Significance number of wild animals are found outside protected areas exposing them to poaching threats					
Increased ease of travel through Kenya's key entry and exit points play crucial roles to trophy trafficking					
Demand from destination markets against the less supply of the commodity has fuelled the prices of animal trophies					
Minimal fines motivate many of the smugglers and traffickers making the trade even more lucrative					
Unmanned porous borders and transportation routes have trophy trafficking					
Inadequate employment opportunities have fueled trophy trafficking					
Poverty is the driving factor for engaging in poaching by locals					
Economic and political insecurity have helped give rise to trophy trafficking					

**SECTION E: IMPACT OF TROPHY TRAFFICKING ON NATIONAL SECURITY**

To what extent do you consider each of the following statements to reflect the impact of trophy trafficking on national security?

Statement	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
	5	4	3	2	1
Animal trophy traffickers use weapons that can be acquired only from military sources					
Hundreds of park rangers charged with protecting wildlife from poachers have lost their lives as a result of armed contacts with animal trophy traffickers					
Animal trophy trafficking involves sophisticated forgery and alteration of permits and certifications, a threat to national security					
Animal trophy traffickers are well-armed participants with the latest weapons					
Proceeds from wildlife trafficking are used to purchase weapons, finance civil conflicts and underwrite terrorist-related activities					
Families that depend on natural resources are losing their livelihoods as a result of animal trophy trafficking					
Animal trophy traffickers have been connected to localized militant and terrorist groups responsible for attacks on cities and towns					
Animal trophy trafficking undermines national security					
Animal trophy trafficking strengthens criminal networks in the country					

Please indicate any other comments you may wish to include that are relevant to the subject-----  
 -----  
 -----