

THE ROLE OF TRANSNATIONAL ADVOCACY NETWORKS
IN COMBATING WILDLIFE CRIME:
THE CASE OF THE ILLEGAL IVORY TRADE

Katherine Miller

International Relations Master's Program

McCormack Graduate School of Policy and Global Studies

University of Massachusetts, Boston

May 21, 2014

CONTENTS

INTRODUCTION	1
CHAPTER 1. THEORETICAL UNDERPINNINGS	2
CHAPTER 2. TRANSNATIONAL WILDLIFE CRIME	15
CHAPTER 3. WILDLIFE CRIME: THE CASE OF ILLEGAL TRADE IN ELEPHANT IVORY	22
CHAPTER 4. ANALYSIS OF ADVOCACY TACTICS	35
CHAPTER 5. CONCLUSIONS	44
CHAPTER 6. POLICY RECOMMENDATIONS	46
APPENDIX: TIMELINE	49
BIBLIOGRAPHY	52

Introduction

This paper will explore the role of transnational advocacy networks in addressing the conservation threat of wildlife crime, which has achieved saliency at the highest levels of states and international institutions in the past several years. Given the numerous threats to biodiversity, how has overexploitation, framed as wildlife crime, captured the attention of governments, international organizations and non-state actors? What are the prospects for translating the attention into meaningful actions that reduce the impact of overexploitation on wildlife and plants? Using the case of illegal trade in elephant ivory, this paper will examine how the CITES regime has provided an important but not lone political opportunity space for non-state actors to inform and influence decision making on international trade in plants and animals. It will analyze the diverse network actors working to end the current elephant poaching crisis, the tactics they employ and the results they have achieved to explain how the issue of wildlife crime has gained traction and prompted unprecedented collaboration among diverse actors. It will conclude with recommendations for translating this increased attention and collaboration into meaningful conservation results.

Chapter 1

Theoretical Underpinnings

Transnational Advocacy Networks (TANs)

In the late 20th century, technological advances were making the world a much smaller place, facilitating lower cost international travel and communication. Information could be conveyed beyond borders in ways that bypassed states.¹ International organizations and the regimes and conventions they coordinated also grew, and increasingly engaged non-state actors.² New global issue areas, including human rights and the environment, were gaining legitimacy within states and within the international system. Decisions made at the local, state and international levels were influencing each other in complex new ways. Rather than fitting neatly into one particular theory of international relations, the new circumstances seemed to Sidney Tarrow, for example, to reflect elements of many. States continued to be the key international actors in a system characterized by “asymmetrical powers among them.”³ The role of norms in shaping state behavior was increasingly evident. States were developing “international practices, regimes, and institutions to solve their collective action problems and monitor each other’s behavior.”⁴ This confluence of realities was creating “a triangular opportunity space in which nonstate actors can become active, form coalitions and refract their activities back on their own societies.”⁵

¹ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (New York: Cornell University Press, 1998), 200.

² Jackie Smith and Dawn Wiest, “The Uneven Geography of Global Civil Society: National and Global Influences on Transnational Association.” *Social Forces*, 84 no. 2 (December 2005), 623, 628.

³ Sidney Tarrow, *New Transnational Activism* (Cambridge: Cambridge University Press, 2005), 20

⁴ Ibid.

⁵ Ibid.

To understand and help explain the changing international landscape which did not seem to neatly fit either classical realist or liberal internationalist theories, political scientists were looking beyond the boundaries of international relations and comparative politics to social theory. Prominent among the cross-disciplinary applications was the network concept; “Networks are forms of organization characterized by voluntary, reciprocal and horizontal patterns of communication and exchange” with “production, exchange and strategic use of information” at their core.⁶

The application of network theory to international relations has inspired new frameworks for analyzing policy change. Political scientists Margaret Keck and Kathryn Sikkink defined transnational advocacy networks, composed of “...those actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services.”⁷ These value-oriented networks are distinct from other transnational networks, including those with instrumental goals, like corporations, and those with “shared causal ideas” such as epistemic communities (although actors from both of these other types of networks can become part of an advocacy network, as will be illustrated in the ivory trade case).⁸

Transnational advocacy networks (TANs) tend to form around issues in which there is a high degree of information uncertainty and where values and norms play a central role. They can be composed of a wide array of actors, including NGOs, foundations, local social movements, academics, the media, private sector entities, parts of international and

⁶ M. E. Keck and K. Sikkink, “Transnational advocacy networks in international and regional politics,” *International Social Science Journal* 51, no. 159 (1999): 91.

⁷ *Ibid*, 89.

⁸ Keck and Sikkink, *Activists Beyond Borders*, 30.

intergovernmental organizations, and parts of governments. Their “ability to generate information quickly and accurately, and deploy it effectively, is their most valuable currency.”⁹

According to Keck and Sikkink, transnational advocacy networks are most likely to emerge when domestic groups lack effective channels to influence their own governments, when certain activists and “political entrepreneurs” see and seize opportunities to further their ends through networking, and when new international fora such as conferences provide new opportunities to utilize networking.¹⁰ This last condition will be most applicable to the ivory trade case. TANs are unique because they strategize to succeed within the traditional structures of states and existing international institutions while simultaneously influencing these actors to become more responsive to their involvement, effectively transforming the field of play. They are able to work within the widely accepted paradigms of their issue area at the same time that they are seeking to change or evolve them.¹¹

The Actors within TANs

Non-governmental organizations (NGOs) play a critical role in TANs because they have the expertise, infrastructure, resources and relationships to build and sustain networks across borders. Their contributions to solving international problems can include providing “expert advice and analysis; intellectual competition to governments; mobilization of public opinion; representation of the voiceless; service provision; monitoring and assessment; and legitimization of global-scale decision-making mechanisms.”¹² They will often take the initiative to organize

⁹ Ibid, 10.

¹⁰ Ibid, 12.

¹¹ Keck and Sikkink, *Activists Beyond Borders*, 5.

¹² Gemmill, Barbara and Abimbola Bamidele-Izu, “The Role of NGOs and Civil Society in Global Environmental Governance,” in *Global Environmental Governance: Options and Opportunities*, eds. DC Esty and MH Ivanova, (Princeton, NJ: Yale School of Forestry and Environmental Studies, 2002), 7.

and engage with other actors, as well as to act as “policy entrepreneurs” promoting specific understandings of problems and their solutions.

The others actors in TANs are a diverse group that can include whole organizations, key parts of them, and individuals: research organizations or units within an academic institution, foundations, individual philanthropists, local groups, journalists, religious institutions, key officials, offices or branches within International Organizations, Multilateral Environmental Agreements, and national governments.¹³ These actors emerge from larger more diffuse networks that represent a wide range of competing views. The approaches of TANs tend to be characterized by modest numbers of highly networked activists from key organizations and institutions, rather than mass mobilization campaigns.¹⁴ Further, when policymakers participate in the network, the likelihood of influencing policy change increases.¹⁵ In the context of the wildlife crime issue, the TAN that is galvanizing to halt the current wave of elephant poaching represents a subset of larger conservation and crime prevention issue networks that traditionally may have opposed or not even interacted with each other.¹⁶

Harnessing the Power of Information

Access to reliable information not available from other sources and the ability to communicate it effectively to target audiences is, Keck and Sikkink argue, the most valuable currency that TANs possess.¹⁷ TANs are unique in their “ability ...to mobilize information strategically to help create new issues and categories and to persuade, pressure and gain leverage

¹³ Keck and Sikkink, *Activists Beyond Borders*, 9.

¹⁴ *Ibid.*, 18.

¹⁵ Diane Stone, “Learning Lessons, Policy Transfer and the International Diffusion of Policy Ideas,” Centre for the Study of Globalisation and Regionalisation Working Paper no. 69/01, (April 2001):13.

¹⁶ For example, NGOs for and against legal ivory trade, or conservation and transparency organizations.

¹⁷ Keck and Sikkink, *Activists Beyond Borders*, 10.

over much more powerful organizations and governments.”¹⁸ One of the ways they do this is to blend empirical evidence with powerful stories in order to achieve their goals.¹⁹ Framing issues in ways that transcend the merely technical realm is important for attracting the attention of states, particularly when there is a high degree of uncertainty surrounding the issues; “an effective frame must show that a given state of affairs is neither natural nor accidental, identify the responsible party or parties, and propose credible solutions.”²⁰ In the case of the illegal ivory trade, the ability to broaden the definition of security to emphasize how humans are harmed by poaching, to assign blame to organized crime kingpins, corrupt officials or armed groups, and to frame nature or animals as compelling victims have been important factors in raising the profile of this issue.

Keck and Sikkink define four major political tactics that transnational advocacy networks employ:

Information politics – the ability to generate politically valuable information and transfer it where it will have the greatest impact

Symbolic politics – the ability to make information compelling to target audiences through the use of stories and symbols that help to clarify causal links between victims and wrongdoers

Leverage politics – having access to more influential or better-resourced actors who can help transform a situation when other network actors are too weak

¹⁸ Ibid., 2.

¹⁹ Ibid., 21.

²⁰ Ibid., 19. See also L. David Brown and Vanessa Timmer, “Civil Society Actors as Catalysts for Transnational Social Learning,” *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 17, no. 1 (March 2006): 7. “identifying and framing problems as violations of widely-held expectations can have powerful effects...”

Accountability politics – holding decision makers responsible for honoring their commitments, by monitoring, publicizing their behavior and creating the threat of reputational harm.²¹

All four of these approaches have been actively employed by network actors since the 1980s when the issue of elephant poaching in Africa first galvanized international action.

The influence of TANs tends to grow, assert Keck and Sikkink, according to a progression:

1. TANs help to bring attention to their issue and get it onto the agendas of targeted decision makers.
2. They seek to influence the positions of states and international and regional organizations on the issues.
3. They attempt to shape the institutional procedures by which decisions are made.
4. They pursue specific policy change by their target actors.
5. They work to ensure actual behavior change in alignment with the policy.²²

Once the network succeeds in getting policymakers to make public statements, they then have increased leverage to monitor target actions and draw attention to any gaps between word and deed. The case study on illegal ivory trade will demonstrate this progression.

Both issue characteristics and actor characteristics can affect the extent to which TANs are likely to thrive and succeed. Keck and Sikkink assert that issues involving physical threat to disadvantaged people, where there is a clear linkage to a responsible party, or issues addressing

²¹ Keck and Sikkink, *Activists Beyond Borders*, 16.

²² *Ibid.*, 25

equal opportunity are most conducive to the influence of TANs.²³ Unlike human rights violations, for example, environmental harms present a challenge to those interested in addressing them because there can be geographic and temporal distance between the action and the consequence.²⁴ In the case of the illegal ivory trade, effort has been made to progressively frame this issue as transnational, organized, serious crime which implies clear victims, perpetrators, harm and therefore a societal obligation to take action.

Beyond the resonance of the issues, the density of networks and the vulnerability of the actors targeted can also affect the odds of success.²⁵ During the last decade and most notably in the past five years, the number of formal networks with a focus on wildlife crime has grown, the amount of scholarship in environmental and wildlife crime has increased, the interest of media outlets in covering the issue has mounted, and the number of international meetings and interactions between state and non-state network actors has increased.²⁶ In addition, the availability of data that documents the extent of the elephant poaching crisis, the scale of illegal ivory trade, and the role of different countries in these dynamics has increased the vulnerability of states to pressures to take action.

External Events

External events and conditions can help or hinder transnational advocacy networks. Globalization, the “increasing volume and speed of flows of capital and goods, information and ideas, people and forces that connect actors between countries,” fosters increasingly dense

²³ Keck and Sikkink, “Transnational advocacy networks,” 99.

²⁴ Christopher Williams, “An Environmental Victimology.” In *Environmental Crime: A Reader*. ed. Rob White, Portland, Oregon: Willan Publishing, 2009), 205-6.

²⁵ Keck and Sikkink, *Activists Beyond Borders*, 26.

²⁶ Melanie Wellsmith, “Wildlife Crime: the Problems of Enforcement,” *European Journal on Criminal Policy and Research* 17 no. 2 (2011): 126. See also Appendix for Timeline.

relations through electronic communications, cheaper travel, the spread of English as a common language and what Tarrow calls the “script’ of modernity.”²⁷ During stable periods, coalitions will be less likely to make a significant impact because elected and appointed officials do not tend to question the underlying logic for particular policies. When changes in the environment create questions in the minds of policymakers about the effectiveness of existing policies, new opportunities to influence may present themselves.²⁸ For example, the dramatic escalation in elephant and rhino poaching over the past four years, while a tragic confirmation of concerns conservation advocates have been raising for decades, has also presented a valuable platform for getting the issue of wildlife crime on the agendas of Heads of State, international organizations and multilateral environmental agreements.

Potential Drawbacks of TANs

While at their best, networks foster diversity of views, they run the risk of being “exclusionary devices that limit alliances and curtail exchanges to select elite.”²⁹ A particular concern about NGO actors within TANs is that their tendency to focus on making issues straightforward to understand and more media-friendly may oversimplify problems and solutions.³⁰ This could also be said of elected officials. In the case of wildlife crime to be explored below, criminologists working on this issue caution that too much emphasis on enforcement, one particular basket of solutions, may crowd out other approaches that could be

²⁷ Tarrow, 25.

²⁸ Stone, 8.

²⁹ *Ibid.*, 32.

³⁰ Lorraine Elliott, “Transnational Environmental Harm, Inequity and the Cosmopolitan Response” in *Handbook of Global Environmental Politics*, ed. Peter Dauvergne (Cheltenham, UK: Edward Elgar Publishing, 2012), Credo Reference, Web, 3 March 2014.

critical to achieving long term reductions in wildlife crime.³¹ Furthermore, it can be argued that the degree of attention this specific threat is receiving comes at the expense of others like short-sighted land use policies that will be critical to reversing biodiversity declines in the long term.³²

International Environmental Regimes

Of the three scenarios in which TANs are thought to be particularly effective, the most relevant for this study is when “conferences and other forms of international contact create arenas for forming and strengthening networks.”³³ Major international conferences have played a catalytic role in making environmental issues a major focus of international attention.³⁴

Because many environmental issues transcend the traditional boundaries of individual states, they have been an important focus for the development of international institutions, multilateral agreements, and decision-making mechanisms.³⁵ Explaining what is commonly referred to as the “tragedy of the commons,” Ivanova and Esty note that “incentives to pursue behavior that is individually rational but collectively suboptimal are especially strong with regard to shared resources, which at once may be seen as belonging to everybody and nobody.”³⁶ According to Krasner, regimes are “sets of implicit or explicit principles, norms, rules, and decision making procedures around which actors’ expectations converge in a given area of international relations.”³⁷ By coming together to establish treaty systems or regimes, “permanent decision-making apparatuses” at the international level, members retain their sovereignty while creating

³¹ Stephen F. Pires and William D. Moreto, “Preventing Wildlife Crimes: Solutions that Can Overcome the ‘Tragedy of the Commons,’” *European Journal on Criminal Policy and Research* 17 (2011): 116.

³² UNEP et al, *Elephants in the Dust: The African Elephant Crisis*, (Nairobi, Kenya: UNEP, 2013): 71

³³ Keck and Sikkink, *Activists Beyond Borders*, 12.

³⁴ Elliott, “Transnational Environmental Harm, Inequity and the Cosmopolitan Response.”

³⁵ Ibid.

³⁶ Daniel C. Esty and Maria H. Ivanova, “Globalization and Environmental Protection: a Global Governance Perspective,” *Global Environmental Governance: the Post-Johannesburg Agenda*, Yale Center for Environmental Law and Policy, New Haven, CT, 23-25 October 2003.

³⁷ Peter J. Katzenstein, Robert O. Keohane, and Stephen D. Krasner, “International Organization and the Study of World Politics,” *International Organization* 52 (1998): 662.

“a second sphere of interaction, in which actors can communicate and collectively decide, about social norms separately from their outside action.”³⁸ Just participating in a treaty regime can lead to changed attitudes and behaviors; through what West calls the “hypocrisy paradox,” weak states may sign onto international treaties to enhance their image and legitimacy, but over time their practices improve because participation fosters the emergence of civil society groups to monitor compliance.³⁹ Most multilateral treaties emerge from two scenarios: in the first, a diplomatic conference is held at which participating states resolve to form a multilateral agreement, and in the second, treaties emerge out of existing international organizations, such as the UN, UN Programs or an existing regime. The rise of global governance has fostered increased participation of civil society; while in 1948 there were 41 UN-accredited civil society groups, by 1998 there were 1500.⁴⁰ While the formal inclusion of non-state actors into global environmental governance varies significantly among different organizations and agreements, the widely adopted Conference of the Parties structure whereby delegates meet on a regular cycle creates opportunities for advocacy networks to influence the proceedings from within and without. Even when limited to observer roles, NGOs are resourceful in finding ways to influence state delegations by effectively framing, communicating and distributing information. They may lobby delegates on the sidelines, release and promote reports during meetings or deliver statements at the close of an official event.⁴¹ They represent a wide range of missions

³⁸ Thomas Gehring, “International Environmental Regimes as Decision Machines,” In *Handbook of Global Environmental Politics*, ed. Peter Dauvergne (Cheltenham, UK: Edward Elgar Publishing, 2012.) Credo Reference. Web 3 March 2013.

³⁹ Jackie Smith and Dawn Wiest, “The Uneven Geography of Global Civil Society: National and Global Influences on Transnational Association,” *Social Forces* 84, no. 2 (December 2005): 628.

⁴⁰ Gemmill and Bamidele-Izu, 5.

⁴¹ *Ibid.*, 13.

including sustainable development, environmental protection, poverty alleviation and animal welfare.⁴²

Thomas Gehring identifies four key characteristics of environmental treaty systems:

1. Dynamism – with every decision that is made, signals are sent about what is important, what is acceptable, and what is permissible that can shape future decisions. The creation of substructures within the system to handle secondary decisions enables the Parties to ‘kick the can down the road’ if achieving consensus is problematic.
2. Autonomy – the structures within a regime, while established by the states who are party to it, have independent standing and authorities that constrain what actors are able to do. The more complex the decision making structures, the more reduced the role of power politics since rules and criteria are theoretically evenly applied.
3. Constitutionalization – “memberships and mandates, composition and competencies of their organs, as well as basic decision rules” are formalized by the members, and can either reflect or change the power balance among member states.
4. Impact beyond its boundaries – Regimes impact member states and even non-member states through shifting social norms, funding allocations, sanctions or incentives.⁴³

All four of these characteristics can be observed in the Convention on International Trade in Endangered Species of Flora and Fauna (CITES), which is one of the oldest environmental regimes and the one that defines legal vs. illegal wildlife trade.

Multilateral environmental agreements (MEAs) have been critiqued for their limited authority to sanction member states who fail to comply with their obligations, compared, for

⁴² Ibid., 3.

⁴³ Gehring, 7-8.

instance, to arms control or human rights regimes.⁴⁴ Absent this “hard” authority, environmental convention secretariats have increased emphasis on voluntary compliance by strengthening access to data and best practices, building state capacity to implement, and attracting funding.⁴⁵

In the illegal ivory trade example to be explored later in the paper, CITES provides a significant political opportunity space for transnational advocacy networks to influence decision making and pursue state accountability. However the impact of CITES on the species it is designed to conserve is also limited by its dependence on the will and capacity of members to fully implement and enforce the decisions that are made.

Norms and values feature prominently in transnational advocacy networks and in the global environmental regimes they seek to influence. Several competing ethical frameworks have evolved:

Dominium or “total use” – natural resources should be used to benefit humans; not to use them is wasteful and potentially harmful. This framework is largely relegated to history.

Utilitarian conservation ethic – “nature should be used to create the greatest good for the greatest number.”

Preservation – nature has aesthetic value; selected lands and bodies of water should be protected from human impacts while unprotected areas should be “appropriated for maximum use value.”

Environmental protection – Humans are trustees of the environment, and failure to take care of it can cause harm to people.

⁴⁴ Mara E. Zimmerman, “The Black Market for Wildlife: Combating Transnational Organized Crime in the Illegal Wildlife Trade,” *Vanderbilt Journal of Transnational Law* 36 (November 2003): 1657.

⁴⁵ *Ibid.*, 1667.

Sustainability – social and biophysical systems interact in complex ways with long term, and potentially compounding effects. Systems must be kept with a “safe range;” “although individuals and groups will act out of their own self-interest, to do so in a way that jeopardizes larger systems...is, over the long term, self-defeating, for the individual, for the group and, in some cases, for larger society.”⁴⁶

While the differences between some of these ethical frameworks may seem subtle to those outside of environmental issue networks, they can result in different and potentially conflicting understandings of problems and potential solutions, which can inhibit meaningful action. In the particular case of illegal ivory trade, normative differences among network actors about the appropriateness of market based solutions have in the past consumed significant energy and resources of non-state actors. The current poaching crisis, while by no means erasing these differences, has facilitated coalescence and collaboration on areas of mutual agreement.

⁴⁶ Thomas Princen, “A Sustainability Ethic,” in *Handbook of Global Environmental Politics*, ed. Peter Dauvergne (Cheltenham, UK: Edward Elgar Publishing, 2012). Credo Reference. Web. 3 March 2014.

Chapter 2

Transnational Wildlife Crime

The Decline of Biodiversity

Biodiversity, “the variability among living organisms...and the ecological complexes of which they are part,” continues its decline despite more than a half century of conservation efforts of governments, international organizations and NGOs.⁴⁷ The International Union for the Conservation of Nature (IUCN)’s Species Survival Commission compiles the annual Red List of threatened and endangered species that is widely recognized as the most comprehensive source of data on the conservation status of animals. The 2010 Red List addressed the “taxonomy, distribution, population trend, major threats, conservation measures, and threat status for 25,780 vertebrate species,” finding that one fifth of them are threatened or endangered and that 52 species on average are moving closer to extinction each year.⁴⁸

The world’s biodiversity hotspots are located in some of the least developed countries where dependence upon natural resources for survival is high. Poverty, weak governance and corruption are factors which can greatly limit the capacity of these states to manage ecosystems sustainably.⁴⁹ Such variables, associated with many development challenges, have been both qualitatively and quantitatively linked to the poaching of elephants.⁵⁰

⁴⁷ Convention on Biological Diversity, Conventions, Article 2.
<http://www.cbd.int/convention/articles/default.shtml?a=cbd-02>

⁴⁸ Michael Hoffmann, “The Impact of Conservation on the Status of the World’s Vertebrates,” *Science* 330, (10 December 2010): 1503-1509.

⁴⁹ WWF / Dalberg, *Fighting Illicit Wildlife Trafficking: A Consultation with Governments*, (Gland, Switzerland: WWF International, 2012), 14.

⁵⁰ CITES, “Experts report highest elephant poaching and ivory smuggling rates in a decade.”
http://www.cites.org/eng/news/pr/2012/20120621_elephant_poaching_ivory_smuggling.php

Overexploitation of wildlife is one of a number of critical threats identified in the Red List, including agricultural expansion, logging, and invasive alien species.⁵¹ The prospects for reversing the overall trend in biodiversity loss are grim; for threats most associated with species in decline, none of the major drivers, including overexploitation, are being measurably offset by conservation initiatives.⁵² Hunting continues to take a toll on mammalian species, particularly those, like elephants, that have large ranges, low-density populations and large bodies.⁵³ There is consensus that wildlife trade, while not the single greatest threat to species and habitats, is among the most significant threats, and increasing in severity.⁵⁴ The legal trade in wildlife has been estimated at \$300 million per year.⁵⁵ While measuring illegal trade is difficult, one recent estimate is that illegal wildlife trade is a \$19 billion industry, behind drugs, arms, human trafficking, money laundering.⁵⁶

Wildlife crime, like the broader category of transnational environmental crime, has historically been of low priority. Calculating the cost of environmental harm or the value of environmental resources is challenging. Because the consequences of individual crimes are not always immediately visible, environmental crimes are sometimes referred to as “victimless” crimes, making them a lower priority for legislative, enforcement and prosecution action.⁵⁷ Penalties for wildlife crime offenses in most countries are extremely minor compared to the prices that wildlife products can fetch on the black market, so even if prosecutions were

⁵¹ Hoffmann, 1503.

⁵² Ibid., 1508.

⁵³ Ibid., 1509.

⁵⁴ Melanie Wellsmith, “The Applicability of Crime Prevention to Problems of Environmental Harm: a Consideration of Illicit Trade in Endangered Species,” in *Global Environmental Harm: Criminological Perspectives*, ed. (Devon, UK: Willan Publishing, 2010), 154, 163.

⁵⁵ Katherine Lawson and Alex Vines, *Global Impacts of the Illegal Wildlife Trade: The Costs of Crime, Insecurity and Institutional Erosion* (London, UK: Royal Institute of International Affairs, 2014), ix.

<http://www.chathamhouse.org/sites/default/files/public/Research/Africa/0214Wildlife.pdf>

⁵⁶ TRAFFIC, “Illegal wildlife trade threatens national security, says WWF report.” December 12, 2012. <http://www.traffic.org/home/2012/12/12/illegal-wildlife-trade-threatens-national-security-says-wwf.html>

⁵⁷ Williams, “An Environmental Victimology.”

achieved, such penalties would not serve as a deterrent. With black market prices in Beijing as high as \$2,205 per kilogram for ivory and \$66,139 for rhino horn, it is a risk many with the opportunity would take.⁵⁸ Thus low risk of detection, insignificant penalties, and potential for high profits provide the ingredients for wildlife crime to grow.

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

Concerns about overexploitation of wildlife and plants were among the earliest environmental issues to be addressed by the international community. The idea of a treaty to address overexploitation dates back to the early 1960s, also a time when NGOs like World Wildlife Fund and Greenpeace were founded.⁵⁹ The UN Conference on Human Environment (“Stockholm Conference”) in 1972 resulted in the establishment of the UN Environment Program (UNEP).⁶⁰ CITES, whose Secretariat is linked to UNEP, was formed in Washington, DC in 1973 by 80 countries to ensure that international trade in wildlife and plants does not threaten the survival of species.⁶¹ The Convention was designed as a system of listing species on three appendices according to their conservation status, which would determine the conditions under which international trade would or would not be permitted. Decisions were to be made by direct voting of the members at a Conference of the Parties held every two years. Each member state is required to appoint a CITES Management Authority and a Scientific Authority to oversee implementation. In 1979, the Standing Committee with rotating representation from six regions was established to play a coordination, budget oversight and policy advising role. The Animals

⁵⁸ Lawson and Vines, viii.

⁵⁹ Zimmerman, 1662.

⁶⁰ Keck and Sikkink, *Activists beyond Borders*, 122.

⁶¹ CITES, “What is CITES?” <http://www.cites.org/eng/disc/what.php>

Committee was set up in 1987 in a similar manner, to provide technical advice regarding decisions on whether/how to list species.⁶²

CITES has limited sanctioning mechanisms. Members who fail to comply with reporting requirements or who fail to enact or enforce enabling legislation can be suspended from trading targeted species with other members. However such trade suspensions are actually recommendations to the Parties to suspend trade with the noncompliant country, and their implementation is completely dependent upon voluntary compliance. Member states can also register reservations with the Convention opting out of compliance if they disagree with or are unable to comply with the decision. When the 1989 listing of all elephants on Appendix I, effectively banning international trade, was passed over their objections, South Africa, Zimbabwe, Zambia, Botswana and Malawi entered reservations and continued to trade ivory.⁶³

CITES, like other environmental regimes, continually negotiates a delicate balance between politics and science, between facilitating economic development and protecting the environment, between reflecting the will of states and accounting for the perspectives of non-state actors. The engagement of a wide range of network actors helps shape both the norms and the evidence that guide decision making at any particular moment in time. These networks utilize the full range of political tactics described by Keck and Sikkink to influence the results. In the often contentious debate over the legitimacy of ivory trade, competing TANs with conflicting value frames and positions have been, and continue to be, engaged. The analysis below focuses on how the perception of a poaching and illegal trade crisis has increased across the wider

⁶² CITES, “Steering Committee” and “Animals And Plants Committee.” <http://www.cites.org/eng/disc/sc.php> and http://www.cites.org/eng/disc/ac_pc.php

⁶³ Erica Thorson and Chris Wold, *Back to Basics: An Analysis of the Object and Purpose of CITES and a Blueprint for Implementation* (Portland, Oregon: International Law Project, 2010), 14

network of conservation and security actors, generating greater consensus about what needs to be done.

Network Interactions within the CITES Context

TAN actors shape the agenda and the decisions of CITES in formal and informal ways. Non-state actors observe annual meetings of the Committees and submit comments on draft documents. They can be invited to serve on expert working groups which influence the proposals that are made to the CoP, such as the enforcement and e-commerce working groups. They attend the Conferences of the Parties as observers where they are permitted to register official comments at specific points, and in some cases serve on official state delegations. Informal channels for influence include lobbying member states in between the CoPs, lobbying delegates on the sidelines of the CoP itself, and using the CoP as a strategic platform for launching new reports and initiatives.⁶⁴ In cases where policymakers are actively participating in the TAN, they can work to influence other states from the inside.⁶⁵

Ethical Frameworks in the CITES Context

Network actors who engage at CITES approach wildlife trade from different normative frameworks that sometimes reinforce each other and sometimes conflict. Those focused on environmental protection and sustainability emphasize the importance of the precautionary principle; when information about the impact of trade on a species is absent or inconclusive, the

⁶⁴ Tania McCrea-Steele, “CITES Partner Spotlight: INTERPOL’s Project WEB combats online wildlife crime.” IFAW, March 7, 2013. <http://www.ifaw.org/united-states/resource-centre/project-web-investigation-ivory-trade-over-internet-within-european-union>

⁶⁵ See video of the Head of the US delegation to the CITES CoP16 discussing with an NGO representative how the coalition achieved uplisting of shark species. Sea Save Foundation, “CITES Commentary Bryan Arroyo - Leader of the U.S. Delegation,” March 21, 2013. <http://www.youtube.com/watch?v=d1m1V8AnMGI>

preference should be to limit trade.⁶⁶ Those who approach trade regulation from a sustainable development frame see economic, environmental and social factors as interdependent. For them, use of natural resources, including wildlife, should be accommodated provided that it is managed appropriately to avoid jeopardizing future generations' access to these resources. They have asserted that livelihood benefits of trade should be factored into CITES decision making along with conservation data.⁶⁷ Actors who adopt an animal welfare ethic believe that individual animals and species have intrinsic value – value in and of themselves regardless of their value to humans. Because animals are sentient beings, in addition to weighing the conservation impacts (i.e. on the population numbers), trade decisions must also be assessed for their impacts on the suffering of individuals and groups.⁶⁸ The ivory trade case will illustrate that decisions taken at CITES and the language used in official documentation change over time not only based on available data but also as parties' positions are influenced by these different normative perspectives. TANs play a critical role in these dynamics.

Different Understandings of Problems and Solutions

Information uncertainty, one of the conditions favorable to TAN activity, is a reality within the CITES context. The growing complexity of both legal and illegal international trade dynamics, the limited resources available to rigorously monitor conservation status of and illegal trade in widely traded species at a country by country level, and the limited capacity and will of many countries to prioritize wildlife trade regulation over other pressing problems raises

⁶⁶ Species Survival Network, "SSN Statement of Purpose." http://ssn.org/aboutus_ourmission_EN.htm

⁶⁷ Rosie Cooney, "CITES CoP 16 and sustainable use and livelihoods," IUCN Sustainable Use and Livelihoods News, July 2013.

http://www.iucn.org/about/union/commissions/sustainable_use_and_livelihoods_specialist_group/suline/issue_5/sn5_citescop16/

⁶⁸ PC Paquet and CT Darimont, "Wildlife conservation and animal welfare: two sides of the same coin?" *Animal Welfare* 19(2010):177-190

questions about the robustness of available data.⁶⁹ The role of legal markets in illegal ivory trade has been a hotly debated issue at CITES on which TANs actively marshal information and evidence to bolster their competing cases. On one side is the perspective that well-managed legal markets can reduce or at least not increase demand for illegal wildlife products.⁷⁰ On the other, those who support trade bans argue that in practice legal markets serve as cover for illegal trade and stimulate poaching.⁷¹ The ivory example will show how TANs have catalyzed an increasingly shared perception of an elephant poaching crisis, shifting attention to a more cooperative effort to identify, fund and implement enforcement measures.

⁶⁹ Jacqueline L. Schneider, "Reducing the Illegal Trade in Endangered Wildlife: The Market Reduction Approach," *Journal of Contemporary Criminal Justice* 24 (2008): 274-295

⁷⁰ Thorson and Wolde, 4.

⁷¹ Grace Gabriel, Ning Hua and Juan Wang, *Making a Killing: A 2011 Survey of Ivory Markets in China* (MA: IFAW, 2011), 18-19.

Chapter 3

Wildlife Crime: The Case of Illegal Trade in Elephant Ivory

The case of illegal trade in elephant ivory is a fitting one to consider because overexploitation has had such a direct and severe impact on the species, because it has been a highly contentious issue at CITES, and because it is driving shifts in perception with potential to impact other highly traded species.

History

Long a symbol of prestige, power and wealth, the use of elephant ivory dates back to prehistoric times and had already developed into a complex trade by the year 1 CE.⁷² The word elephant originates from the Greek *elephas*, meaning ivory rather than the animal itself, which Greeks were not familiar with until Alexander the Great encountered them during his conquests.⁷³ A long line of ancient empires and civilizations, including Indian, Egyptian, Phoenician, Chinese, Greek, Roman, Muslim and Byzantine, prized ivory as a material for jewelry, furniture, weaponry, decorative carvings, statues and religious iconography. With the era of European colonization came new demand for ivory that drove the expansion of large scale elephant hunting, first in Asia and later into Africa, abetted by slave labor.⁷⁴ But the biggest escalation of elephant killing for ivory came in the 19th century as the Industrial Revolution enabled mass production of, and new middle class markets for, luxury goods such as pianos, billiard balls, and hair combs.⁷⁵ Until the rise of plastics in the early 20th century, the US and

⁷² Menon, Vivek. *Tusker: The Story of the Asian Elephant* (India: Penguin Books, 2002), 63. See also John Frederick Walker, *Ivory's Ghosts: The White Gold of History and the Fate of Elephants* (New York: Atlantic Monthly Press, 2009), 4-53.

⁷³ Walker, 36.

⁷⁴ Menon, 44 and Walker, 4, 65.

⁷⁵ Menon, 64, Walker, p 83-101.

European-dominated ivory industry consumed an estimated 44,000 elephants per year between 1850 and 1914.⁷⁶ Toward the end of this period, the impact of this vast ivory trade on elephant populations was coming to light, evidenced by the introduction of new conservation laws in British East Africa Protectorate prohibiting the shooting of females, or elephants with tusks under 10 pounds each.⁷⁷

Ivory and CITES

The Post World War II era marked the rise of new economic powers in Asia, and with them yet another escalation in demand for ivory that helped prompt the first serious global wildlife trade regulations. In Japan, the popularization of the hanko, or name stamp, from the 1950s onward created a new mass produced luxury good that required vast quantities of ivory, including ongoing demand for the hard ivory that comes from less populous Asian elephants.⁷⁸ Hong Kong had developed a vibrant ivory carving industry and later became a major exporter of worked ivory.⁷⁹ By the 1970s, Hong Kong and Japan together were importing $\frac{3}{4}$ of the global annual ivory supply.⁸⁰ By 1975, international concern about the impact of wildlife trade on animal populations had led to the ratification of the Convention on International Trade in Endangered Fauna and Flora (CITES). “*Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come...*” the treaty instituted a tiered system of trade controls, based on the conservation status of species.⁸¹ Asian elephants were immediately given the highest level of protection given their low population numbers. However, the

⁷⁶ Walker, 134.

⁷⁷ Ibid., 160.

⁷⁸ Menon, 64, 128, 151-152.

⁷⁹ Menon, 160.

⁸⁰ Walker, 169.

⁸¹ CITES, Preamble. 3 March 1973. <http://www.cites.org/eng/disc/text.php#texttop>

exemption of worked ivory created a significant loophole, and the lack of capacity and will in most range states and consumer states to combat illegal trade allowed elephant poaching to thrive.

Illegal elephant killing peaked again in the 1970s and 80s to feed escalating demand from economic powerhouse Japan for hankos and for carved Netsuke beads.⁸² The prevalence of automatic weapons, government corruption and challenging economic circumstances in the post-colonial era further incentivized poaching⁸³, which decimated elephant populations by as many as 1 million animals.⁸⁴ To address the crisis, CITES parties approved a total ban on international ivory trade in 1989. While the results varied considerably among range states (for example in India, poaching continued to rise into the mid -1990s), global elephant populations appeared to stabilize over the next ten years.⁸⁵

During and prior to that period, range states had been accumulating stockpiles of ivory from a combination of natural mortality, culling and confiscations. Aware of ongoing demand for ivory and seeking to realize the economic value of these stockpiles, a number of countries in Africa have pursued the downlisting of specific elephant populations to a lower level of protection that allows some trade. Since the 1989 ban, citing evidence of elephant population recovery in southern Africa, CITES parties have approved two sales of stockpiled ivory: the 1999 sale of 50 tons from Botswana, Namibia and Zimbabwe to Japan approved at the 1997 CoP and the 2008 sale of 102 tons from South Africa, Botswana, Namibia and Zimbabwe to Japan

⁸² Menon, 64-65.

⁸³ Walker, 172.

⁸⁴ Andrew M. Lemieux and Ronald V. Clarke, "The International Ban on Ivory Sales and its Effects on Elephant Poaching in Africa," *British Journal of Criminology* 49 (2009): 451-471.

⁸⁵ *Ibid.*, 459.

and China.⁸⁶ Authorization of the first stockpile sale came with two key conditions: that new poaching and illegal seizure data systems be put in place to monitor the impact of the legal sales, and that buyers institute domestic licensing systems to distinguish legal from illegal ivory. At the 2007 CoP, amidst ongoing debate over whether the legal sales would threaten or benefit elephant conservation efforts, Parties approved a voluntary 9-year moratorium on stockpile sales (excluding the previously approved sale) and authorized the development of an ivory trade Decision Making Mechanism to govern any future international ivory trade.⁸⁷ A petition at the 2010 CoP by Zambia and Tanzania to sell ivory stockpiles failed to secure the necessary two thirds majority, in the face of forensic evidence linking both countries to high levels of poaching and smuggling.⁸⁸ That same year, all 38 elephant range states signed the African Elephant Action Plan (AEAP) which was approved at the CITES CoP. During the ensuing period, the CITES-mandated ETIS (seizure) and MIKE (poaching) databases documented a dramatic upsurge in poaching and illegal ivory seizures. A peak 25,000 elephants were estimated to have been poached in 2011, 22,000 in 2012.⁸⁹ Population declines were being observed in all four survey regions of Africa, and the forest elephant subspecies found in Central and West Africa had declined by 62%.⁹⁰ Illegal ivory trade was estimated to have doubled between 2007-2011 and tripled if 1998 were taken as the starting point.⁹¹ According to the 2012 CITES elephant report, the large volumes of illegal ivory bound for China accounted for 54% of large scale seizures, and the failure to implement key features of their ivory control system had “seriously compromised

⁸⁶ Daniel Stiles, “CITES – approved Ivory Sales and Elephant Poaching.” *Pachyderm* 45 (July 2008-June 2009): 150-153.

⁸⁷ UNEP et al, *Elephants in the Dust: The African Elephant Crisis*.

⁸⁸ Samuel Wasser et al., “Elephants, Ivory, and Trade,” *Science* 327(12 March 2010): 1332

⁸⁹ CITES, “New Figures Reveal Poaching for the Illegal Ivory Trade Could Wipe Out a Fifth of Africa’s Elephants Over Next Decade,” 2 December 2013. http://www.cites.org/eng/news/pr/2013/20131202_elephant-figures.php

⁹⁰ Marina Ratchford, Beth Allgood, Paul Todd, *Criminal Nature: The Global Security Implications of the Illegal Wildlife Trade*, (Washington, DC: IFAW, 2013), 7.

⁹¹ Fiona Underwood et al. “Dissecting the Illegal Ivory Trade: An Analysis of Ivory Seizures Data,” *PLOS One* (October 2013), <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0076539>

the integrity of the system and need to be addressed.”⁹² At the 2013 CoP in Bangkok, no downlisting or stockpile sale proposals were made and the deadline for completion of the ivory Decision Making Mechanism was extended to the next CoP in 2016, when the current voluntary moratorium is set to expire.⁹³

Illegal Ivory Trade: The Actors

Many hundreds of TAN actors from a diverse range of categories are actively engaged in the ivory trade issue. This section provides several examples in each category as context for the analysis of tactics that follows.

Non-Governmental Organizations (NGOs)

International NGOs have played a critical role in getting and keeping illegal ivory trade on the policy agendas of states and international regimes. Founded in 1976 as a partnership between WWF and IUCN to assist with the implementation of CITES, TRAFFIC is the world’s largest wildlife trade monitoring organization. With strengths in data collection, investigations and research, TRAFFIC is a key information resource for governments and peer NGOs and manages the Elephant Trade Information System (ETIS) for CITES.⁹⁴

The Environmental Investigation Agency (EIA) raised awareness of the first elephant poaching crisis through its investigative report “A System of Extinction: the African Elephant

⁹² CITES Secretariat, “Elephant Conservation, Illegal Killing and Ivory Trade,” SC62 Doc. 46.1, Geneva: CITES, 2012, 20. <http://www.cites.org/eng/com/sc/62/E62-46-01.pdf>

⁹³ UNEP, CITES, IUCN, TRAFFIC, 12.

⁹⁴ Gemmill and Bamidele-Izu, 12.

Disaster” and has documented seizure and poaching trends through 6 investigative reports since.⁹⁵

NGOs also provide critical expertise and funding that has helped to enhance understanding of illegal ivory trade dynamics, develop potential solutions and advocate for action. The International Fund for Animal Welfare partially funded biologist Sam Wasser’s groundbreaking DNA analysis of the largest ivory seizure since the 1989 trade ban, which showed the potential of the technology to aid in enforcement and prosecution efforts.⁹⁶ In order to magnify their influence at CITES, more than 80 NGOs sharing a strong precautionary bent came together as the Species Survival Network (SSN) in 2005 to form and communicate “a strong, clear and informed common position” on wildlife trade issues when interacting with member governments.⁹⁷ The Elephant Working Group of SSN (24 members in 2007) compiled its own database to track, analyze and communicate elephant poaching and ivory seizure trends.

Intergovernmental Organizations (IGOs)

Specific offices and programs within Intergovernmental Organizations are actively addressing illegal ivory trade and wider wildlife crime issues. The CITES Secretariat which administers the Convention has increased its visibility considerably under the leadership of John Scanlon to emphasize the seriousness of the current crisis, the need for strengthened enforcement, the provision of tools to support Parties, and stronger collaboration among diverse stakeholders.⁹⁸ However, its limited resources compared to other Secretariats preclude it from

⁹⁵ See, for example, Environmental Investigation Agency, *A System of Extinction: The African Elephant Disaster (1989)*, *Lethal Experiment: How the CITES-approved Ivory Sale Led to Increased Elephant Poaching (2000)* and *Open Season (2010)*. Available at <http://eia-international.org/category/reports>

⁹⁶ Samuel K. Wasser et al., “Using DNA to Track the Origin of the Largest Ivory Seizure Since the 1989 Trade Ban.” *PNAS* 104, no. 10 (March 6, 2007).

⁹⁷ Species Survival Network, “About Us.” http://www.ssn.org/aboutus_ourwork_EN.htm

⁹⁸ See CITES Secretary John Scanlon’s testimony before the US Senate. Senate Committee on Foreign Relations, “Ivory and Insecurity: The Global Implications of Poaching in Africa.” 112th Congress, 2nd Session, May 24, 2012.

supporting the level of capacity building required by many of its members.⁹⁹ INTERPOL, the international police organization, first established its environmental crime committee in 1992, and formalized its environmental crime program in 2005 with support from private funders. Since 2008 the program has coordinated six multi-country law enforcement operations targeting elephant ivory and rhino horn, working closely with national and regional law enforcement bodies such as the Lusaka Agreement Task Force and the Zambia Wildlife Authority to arrest more than 500 people and confiscate more than 5 tons of raw ivory.¹⁰⁰

National Wildlife Agencies

The US Fish and Wildlife Service (USFWS) has been and continues to be a leader in addressing illegal ivory trade and in advocating for strong precautionary positions at CITES. It launched the African Elephant Conservation Fund in 2011, crushed the US confiscated ivory stockpile in November 2013 and in February 2014 announced tightened ivory import, export and domestic resale regulations.¹⁰¹

In Kenya, tourism accounts for 12% of GDP and wildlife is its “backbone.”¹⁰² One of the oldest and most professionalized wildlife services in Africa, Kenya Wildlife Service (KWS) works with an extensive national and international partner network to undertake parks management, enforcement efforts, community engagement and scientific research. Kenya is a founding leader of the African Elephant Coalition, a group of 24 African countries formed in

http://www.foreign.senate.gov/imo/media/doc/Scanlon_Testimony.pdf

⁹⁹ The Secretariat’s core budget for FY14 appears to be less than half that of the Convention on Biological Diversity for example. See <http://www.cites.org/eng/res/16/16-02.php> and <http://www.cbd.int/decision/cop/default.shtml?id=12311>

¹⁰⁰ INTERPOL, “Projects: Project Wisdom.” <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-Wisdom>

¹⁰¹ US Department of Interior, “Interior Announces Ban on Commercial Trade of Ivory as Part of Overall Effort to Combat Poaching, Wildlife Trafficking,” 2 February 2014. <http://www.doi.gov/news/pressreleases/interior-announces-ban-on-commercial-trade-of-ivory-as-part-of-overall-effort-to-combat-poaching-wildlife-trafficking.cfm>

¹⁰² Kenya Wildlife Service, “Overview: About Us.” <http://www.kws.org/about/>

2008 who support stricter international protections for elephants.¹⁰³ Despite Kenya's consistent and vocal position in favor of strict protection measures at CITES, the port of Mombasa has become a major transit point for illegal ivory trade and Kenya now finds itself on the CITES "Gang of Eight" countries threatened with sanctions if they do not institute action plans and demonstrate progress toward implementing them.¹⁰⁴

Ministers and Heads of State

While states are typically represented at CITES by technocrats, statements, actions and inactions of Ministers and Heads of State on the ivory trade issue have sent strong signals to other states and to international organizations and regimes. The visit of UK Department of Environment Food and Rural Affairs (DEFRA) Minister Richard Benyon to Kenya in 2013, his public acknowledgement of the seriousness of the elephant poaching crisis, and the launch of the "If They're Gone.." campaign by his ministry was a precursor to UK hosting the February 2014 London Conference on Illegal Wildlife Trade and announcing GBP 10 billion in new funding to address the crisis.¹⁰⁵ Conversely, the absence of the South African Minister of Water and Environment, Mrs. B E E Molewa, from the London Conference and failure to sign onto the Declaration because it included trade bans for elephant ivory and rhino horn, signaled that future trade proposals may be in store for CITES CoP 17 when South Africa will host.¹⁰⁶

¹⁰³ Kenya Elephant Forum, "The African Elephant Coalition," January 2010.
http://wildlifedirect.org/files/2009/11/KEF_Fact_Sheet_01c.pdf

¹⁰⁴ Matt McGrath, "Gang of eight on ivory probation," BBC 14 March 2013. <http://www.bbc.com/news/science-environment-21788664>

¹⁰⁵ Stewart Winter, "Animals in a World of Pain." Express, 3 March, 2013.
<http://www.express.co.uk/news/world/381410/Animals-in-a-world-of-pain>

¹⁰⁶ Republic of South Africa, Ministry of Environment and Water, "Minister Edna Molewa welcomes some of the provisions of the London Declaration on illegal Wildlife," 18 February 2014.
Tradehttps://www.environment.gov.za/mediarelease/molewa_london_declaration

Scholars and Academic Institutions

Scholars in a range of fields including biology, economics, criminology and law have influenced perceptions of the illegal ivory problem and of potential solutions. CITES members rely on scientific expert groups within IUCN and CITES to advise on the conservation status of elephants and other species. Network actors seek out independent researchers or partner with research units of universities to secure new data to answer key questions, assess the potential impacts of different policy options and increase the credibility of reports and publications. Esmond Bradley Martin is a well-known ivory trade researcher whose work is widely referred to by network actors.¹⁰⁷ Sam Wasser of the University of Washington has done pioneering work in tracing the origins of illegal ivory and promoting the use of DNA technology in enforcement.¹⁰⁸

Regional Wildlife Enforcement Networks (WENs)

A growing number of formal and informal networks of enforcement officers and agencies share intelligence and best practices and harmonize approaches. Founded in 1999, the Lusaka Agreement Task Force (LATF) is the implementing body of the Lusaka Agreement of 1994, a UN treaty with 7 signatories: Congo (Brazzaville), Kenya, Liberia, Tanzania, Uganda, Zambia and the Kingdom of Lesotho. The first of its kind in Africa, LATF is “a permanent law enforcement institution established to facilitate co-operative activities among the National Bureaus in carrying out investigations pertaining to illegal trade in wild fauna and flora. It comprises seconded law enforcement officers from Party States and locally recruited support

¹⁰⁷ See Esmond Martin and Lucy Vigne, *Ivory Dynasty: A report on the soaring demand for elephant and mammoth ivory in southern China* (London: Elephant Family, The Aspinall Foundation and Columbus Zoo and Aquarium, 2010) http://www.elephantfamily.org/uploads/copy/EF_Ivory_Report_2011_web.pdf and

¹⁰⁸ See Wasser, “Elephants, Ivory and Trade.”

staff.”¹⁰⁹ LATF has been involved in regional enforcement training initiatives and coordinates operations with INTERPOL. In 2005, the Association of Southeast Asian Nations (ASEAN) formed what has become the world’s largest formal Wildlife Enforcement Network (WEN). ASEAN-WEN’s ten members aim to reduce illegal wildlife trade by improving coordination between agencies and countries, exchanging intelligence, and building member capacity. In addition to contributions from its member states, it currently receives financial and technical support from USAID under the ARREST (Asia's Regional Response to Endangered Species Trafficking) program, TRAFFIC, and TRACE, the wildlife forensics network.¹¹⁰

Journalists

Coverage of illegal ivory trade and elephant poaching has increased and reached mainstream publications in recent years, with a number of journalists taking a sustained interest in the issue. Longer feature stories, documentaries, news coverage of poaching events and major seizures, and ongoing blogs have kept the ivory trade issue in the media. The New York Times’ Jeffrey Gettleman has published several series of articles chronicling the escalation of poaching.¹¹¹ Bryan Christy’s investigative reporting for the October 2012 National Geographic “Blood Ivory” issue was made into a documentary called “Battle for the Elephants” that premiered in February 2013.¹¹² Discovery Channel, which released a documentary in 1989 about that crisis, returned to the subject in 2012 with “Ivory Wars.” National Geographic launched its “Voice for the Elephants” blog in 2012, providing original content and aggregating news about elephants.

¹⁰⁹ Lusaka Agreement Task Force, “Who We Are: About Us,” 2013. http://lusakaagreement.org/?page_id=24

¹¹⁰ ASEAN-WEN, “About Us: What is ASEAN-WEN?” 2013. <http://www.asean-wen.org/index.php/about-us/what-is-asean-wen>

¹¹¹ New York Times, “Ivory.” <http://topics.nytimes.com/top/reference/timestopics/subjects/i/ivory/index.html>

¹¹² PBS, “Battle for the Elephants.” <http://www.pbs.org/program/battle-elephants/>

Prominent Individuals

Prominent individuals can play a highly visible role in building interest in, and ultimately resources for, conservation. Royalty have historically, and continue to, serve as patrons of conservation, either through their own charities or by affiliating with others.¹¹³ Movie actors, musicians and professional athletes have taken up wildlife protection causes as well.¹¹⁴ A number of widely respected conservation experts have become celebrities in their own right and use their status to garner public support.¹¹⁵ In the case of wildlife crime, The British Royal Family has featured prominently in the UK's convening role. William, Duke of Cambridge delivered a video message to the CITES CoP in Bangkok in March 2013 emphasizing the urgency of reversing the current trends in poaching and illicit ivory trade.¹¹⁶ and all three men were highly visible leading up to and during the UK Conference on Wildlife Crime that brought ___ governments to London in February 2014. In the US, the Clinton Family has used the Clinton Foundation and Clinton Global Initiative to mobilize NGOs and African governments to address the elephant crisis through the "Save the Elephants" Partnership.¹¹⁷

¹¹³ Dan Brockington, "Powerful Environmentalisms: Conservation, Celebrity and Capitalism," *Media Culture Society* 30, (2008), 552. <http://mcs.sagepub.com> For example, Prince Bernhard of the Netherlands and Prince Philip, Duke of Edinburgh, were early patrons of WWF; Prince Charles and Princes William and Harry support conservation through their Royal foundations and are patrons of Tusk Trust; and Prince Albert of Monaco is a prominent supporter of marine conservation efforts through his own foundation.

¹¹⁴ Ibid., 558. Leonardo DiCaprio is affiliated with WWF and IFAW; Harrison Ford is Vice Chair of the Board of Conservation International; Pierce Brosnan supports NRDC and IFAW; basketball star Yao Ming is a spokesperson for WildAid.

¹¹⁵ Ibid., 562. The ranks of high profile conservationists include Dr. George Schaller of WCS; Sir David Attenborough, of wildlife documentary fame; Jane Goodall, primatologist; and Cynthia Moss, elephant expert.

¹¹⁶ See the Prince of Wales and the Duchess of Cornwall, "Speeches: A video message by The Duke of Cambridge for CITES about wildlife conservation," 1 March 2013. <http://www.princeofwales.gov.uk/media/speeches/video-message-the-duke-of-cambridge-cites-about-wildlife-conservation>

¹¹⁷ Clinton Global Initiative, "Partnership to Save Africa's Elephants." <http://www.clintonfoundation.org/clinton-global-initiative/featured-commitments/partnership-save-africas-elephants>

Private Companies

Private companies can shift from being targets of TAN activity to joining the network. In 2007, facing pressure from NGOs who had compiled evidence of illegal wildlife trade on their e-commerce platforms, eBay announced it would ban ivory sales.¹¹⁸ Tod Cohen, Vice President and Deputy General Counsel of Global Government Relations, was appointed to the President's Advisory Council on Wildlife Crime in 2013.¹¹⁹ Chinese business-to-business e-commerce giant Alibaba announced a ban on ivory, shark fin and other wildlife products in 2009 after a yearlong collaboration between its partner site Taobao.com and the International Fund for Animal Welfare that grew from an investigation showing Taobao to be a major source of online illegal wildlife trade in China.¹²⁰ Executive Chairman Jack Ma became a Trustee of the Nature Conservancy's China Program in 2009 and was appointed to the global board of directors in 2010.¹²¹

Formal Networks

New formal linkages mixing different types of actors have been pursued as a way to consolidate information and coordinate in ways that raise the profile of illegal wildlife trade in ivory and other species. In 2005, the US State Department, 5 conservation-minded governments and 14 organizations formed the Coalition Against Wildlife Trafficking (CAWT), with an explicit goal to “focus public and political attention and resources on ending the illegal trade in

¹¹⁸ Barringer, Felicity. “Yielding to Conservationists, eBay will Ban Ivory Sales.” *New York Times*, October 20, 2008. http://www.nytimes.com/2008/10/21/us/21animals.html?_r=0

¹¹⁹ Rhodes, Ben. “Announcing the Advisory Council to the President’s Taskforce on Wildlife Trafficking,” The White House Blog, September 9, 2013. <http://www.whitehouse.gov/blog/2013/09/09/announcing-advisory-council-president-s-taskforce-wildlife-trafficking>

¹²⁰ Common Dreams, “Alibaba, World’s Largest B2B Site, Bans Sale of Ivory, Sea Turtle and Shark Fin,” September 17, 2009. <http://www.commondreams.org/newswire/2009/09/17-3>. See also Quian Wang, “Internet growing threat to wildlife,” *China Daily*, November 21, 2008. http://www.chinadaily.com.cn/china/2008-11/21/content_7226246.htm

¹²¹ The Nature Conservancy, “The Nature Conservancy Welcomes Jack Ma to Global Board of Directors,” March 29, 2010. <http://www.nature.org/newsfeatures/pressreleases/the-nature-conservancy-welcomes-jack-ma-to-global-board-of-directors.xml>

wildlife and wildlife products.”¹²² A loose partnership with a rotating Chair, CAWT holds calls for members to facilitate information sharing and identify opportunities to raise the visibility of wildlife crime. Founded in 2010 in recognition of the increasingly transnational organized nature of illegal wildlife trade, the International Consortium on Combating Wildlife Crime (ICCWC) brings together CITES, INTERPOL, the UN Office on Drugs and Crime, The World Customs Organization and the World Bank. ICCWC’s mission is “to usher in a new era where perpetrators of serious wildlife and forest crime will face a formidable and coordinated response, rather than the present situation where the risk of detection and punishment is all too low.”¹²³ ICCWC works with national enforcement agencies as well as the growing number of regional enforcement networks to strengthen coordination and application to wildlife crime of all the tools and expertise devoted to other forms of serious crime. In 2012 the Consortium released its Wildlife and Forest Crime Analytic Toolkit and in 2013 convened the first international meeting of the world’s regional wildlife enforcement networks.¹²⁴

¹²² Coalition Against Wildlife Trafficking, “About: Partners in the Global Fight Against Illegal Wildlife Trade.”
<http://www.cawtglobal.org/about>

¹²³ ICCWC, “The International Consortium on Combating Wildlife Crime.”
<http://www.cites.org/eng/prog/iccwc.php>

¹²⁴ ICCWC, “First Global Meeting of the Wildlife Enforcement Networks,” 5 March 2013.
<http://www.cites.org/common/docs/ICCWC%20Report%20-%20First%20Global%20Meeting%20of%20the%20WENs%20-%20Final.pdf>

Chapter 4

Analysis of Advocacy Tactics

According to Transnational Advocacy Network theory, the politics of information, symbolism, leverage and accountability are the means by which networks achieve high level political attention and ultimately action on their issue.¹²⁵ They are helped along when international conferences provide arenas for interaction with state and non-state actors, when there is information uncertainty, when their issue can be translated into serious harm to vulnerable people, and when target actors are vulnerable to pressure.¹²⁶ This section examines how these factors have contributed to the elevation of this issue to the attention of Heads of State and to new actions and investments to address the crisis.

Information Politics

Framing issues as security rather than environmental challenges moves them up on national and international agendas which can lead to greater resources and attention being focused on them.¹²⁷ This securitization can occur through broadening the prevailing understanding of security to consider non-military threats to traditional sovereignty, or deepening it to address the economic, environmental and cultural dimensions of human security.¹²⁸

The increasing securitization of wildlife crime is evident in the discourse over illegal ivory trade and the poaching crisis. In 2010, the African Elephant Action Plan, a consensus document signed by all 37 range states, referenced “overabundance” as one of the threats to

¹²⁵ Keck and Sikkink, *Activists Beyond Borders*, 16.

¹²⁶ *Ibid.*, 26.

¹²⁷ Lorraine Elliott, “Transnational Environmental Crime in the Asia Pacific: An ‘Un(der) securitized’ Security Problem?” in *Environmental Crime: A Reader*, ed. Rob White (Portland, Oregon: Willan Publishing, 2009), 507.

¹²⁸ *Ibid.*, 499.

elephants and used qualified language in describing the poaching threat.¹²⁹ There is no use of the term wildlife crime, or reference to security threats, and recommendations on strengthened cross border collaboration do not provide specifics. By December 2013, participating states in the IUCN African Elephant Summit signed a document entitled “Urgent Measures” that emphasized wildlife crime as a serious, transnational security threat linked to corruption and risking human lives. It recommended specific ways to leverage the legal and enforcement assets of non-environmental entities, such as state national security bodies and the UN Convention on Transnational Organized Crime (UNTOC).¹³⁰ By February 2014, the UK Conference on Illegal Wildlife Trade Declaration, and its accompanying Elephant Protection Initiative signed by Botswana, Chad, Ethiopia, Gabon and Tanzania had built on the Urgent Measures by endorsing the destruction of ivory stockpiles, recommending the suspension of domestic ivory trade, and supporting a moratorium on international ivory trade until “the survival of elephants in the wild is no longer threatened by poaching.”¹³¹

More subtle changes in the way CITES articulates its priorities echo this shift. The CITES Strategic Plan for 2008-2020 approved in 2008 makes no mention of an escalation in volume or complexity of illegal wildlife trade, does not reference the words crime or enforcement, and emphasizes coordination with other international organizations and agreements that deal directly with natural resources.¹³² In contrast the CITES 40th anniversary

¹²⁹ The AEAP document noted that poaching “appears, in some regions, to be increasing.” African Elephant Action Plan. Fifteenth Meeting of the Conference of the Parties Doha (Qatar), 13-25 March 2010, CoP15 Inf. 68, 7.

¹³⁰ African Elephant Summit Urgent Measures, 3 December 2013.

https://cmsdata.iucn.org/downloads/african_elephant_summit_final_urgent_measures_3_dec_2013.pdf

¹³¹ London Conference on the Illegal Wildlife Trade, Declaration, 12-13 February 2014.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281289/london-wildlife-conference-declaration-140213.pdf

¹³² CITES, “Strategic Vision: 2008-2013,” Annex to Resolution Conf. 14.2. <http://www.cites.org/eng/res/14/14-02.php>.

brochure of 2013 references the current urgency, using the words “battle” and “criminals” and the need to scale up efforts and engage additional partners from other sectors.¹³³

The sharing, consolidation and wider dissemination of information that supports the securitization frame has been essential to raising the profile of wildlife crime generally and the poaching crisis in particular. Reports published by NGOs, IGOs, research institutes and specialized networks, as well as media coverage, cite the same evidence and build on it with new information that then is cited by subsequent publications. As the information sources shift from specialized environmental/conservation actors to security actors, the interest of senior political and media actors in addressing the issue grows.

Evidence of increasing sophistication and organization in the illegal ivory trade has been documented from 2000 onward by NGOs, law enforcement agencies and researchers.¹³⁴ The increased size of shipments being seized, the methods of concealment and transit routes, the common origin of large quantities of tusks, and cases of “kingpins” being identified pointed to the similarities between wildlife crime and other forms of transnational crime such as drug trafficking.¹³⁵ The data in the fledgling ETIS and MIKE databases was of limited use in corroborating due to limited and inconsistent participation and reporting by many African countries.

By the late 2000s, wildlife crime’s association with armed rebel and terrorist groups was growing, establishing a useful link with national and international security. A series of elephant

¹³³ CITES, “Regulating the World’s Wildlife Trade,” 40th anniversary brochure.

<http://www.cites.org/common/resources/pub/cites-40th-anniversary.pdf>

¹³⁴ Samuel K Wasser, et al. “The Ivory Trail,” *Scientific American*, July 2009.

¹³⁵ See Andrew Luck-Baker, “‘Slaughter’ fear over poaching rise.” *BBC News*, 6 August 2009.

<http://news.bbc.co.uk/2/hi/science/nature/8186773.stm> and Environmental Investigation Agency, “In Cold Blood: Combating Organized Wildlife Crime,” February 2014.

massacres in Central and West Africa involving automatic weapons and deaths of rangers allegedly by military and rebel groups of international concern were being reported by major media outlets.¹³⁶ A 2008 report by the Congressional Research Service and a subsequent US Congressional hearing featuring the testimony of State Department, CITES, and NGO representatives, provided additional examples of a possible link between wildlife crime, organized crime and national security.¹³⁷ Data collection for ETIS and MIKE was improving, and enabling introduction of variables like governance and corruption into the analysis.¹³⁸

By 2012, the securitization of the illegal ivory trade issue was fully evident. In February 2012, NGOs brought to media attention one of largest scale poaching incidents since before the 1989 CITES ban in Cameroon's Bouba Njida National Park.¹³⁹ Between 300 and 450 elephants were killed in less than a month, allegedly by armed gangs of Sudanese insurgents. Testimony from a May 2012 US Senate hearing convened by then Senator John Kerry indicated more assurance about this link than the testimony from the House hearing 4 years earlier.¹⁴⁰ In May 2013 the UN Secretary General cited new evidence of armed groups in Central Africa, including the Lord's Resistance Army, financing their activities through poaching and ivory trade.¹⁴¹

¹³⁶ See J. Michael Fay, "Last Stand in Zakouma," *National Geographic*, March 2007.

<http://ngm.nationalgeographic.com/2007/03/ivory-wars/fay-text/12> and Tasha Eichenseher, "Poaching May Erase Elephants from Chad Wildlife Park," *National Geographic News*, December 11, 2008. Also Jeffrey Gettleman, "Elephants Dying in Epic Frenzy as Ivory Fuels Wars and Profits," *New York Times*, September 3, 2012.

¹³⁷ House Committee on Natural Resources, "Oversight Hearing before the House Committee on Natural Resources, U.S. House Of Representatives." March 5, 2008. <http://www.gpo.gov/fdsys/pkg/CHRG-110hhrg41050/html/CHRG-110hhrg41050.htm>

¹³⁸ CITES. "Elephant Conservation, Illegal Killing and Ivory Trade," SC62 Doc. 46.1, Geneva: CITES, 2012, 20. <http://www.cites.org/eng/com/sc/62/E62-46-01.pdf>

¹³⁹ Tapang Ivo Tanku, "Nearly 300 elephants slain in Cameroon for ivory, government minister confirms," CNN, 20 February 2012. <http://www.cnn.com/2012/02/20/world/africa/cameroon-elephants-killed/>

¹⁴⁰ Senate Committee on Foreign Relations.

¹⁴¹ Ban Ki Moon, "Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas." 20 May 2013, S/2013/297, 2-3. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/297

IFAW's *Criminal Nature* report of June 2013 synthesized all of the available evidence to date linking wildlife crime to transnational organized crime, violence, radicalism and terror.¹⁴²

Symbolic Politics

In the case of the elephant poaching crisis, the public destruction of government ivory stockpiles has been pursued to emphasize that elephants should be more valuable alive than dead and to show national commitment to combatting the illegal ivory trade. The concept was first used by Kenyan President Daniel arap Moi in 1989 when Kenya burned __ tons of ivory to signal the seriousness of that earlier crisis. The CITES ban on international ivory trade was implemented just months later. This act of ivory destruction was repeated in 2011 and by the Philippines and Gabon in 2012.¹⁴³ In November 2013, after consulting with NGOs, the US Fish and Wildlife Service crushed 6 tons of ivory during a two day series of special events "...to send a signal to the world that we need to crush the illegal trade in ivory and wildlife products in general."¹⁴⁴ As anticipated, the events were widely covered in the global media and set off a vigorous debate about the consequences of destroying stockpiles.¹⁴⁵ The power of the symbol ended up being more compelling than the power of the counterarguments – at least to a significant group of states. Subsequent ivory destruction events and announcements by Chad¹⁴⁶,

¹⁴² Ratchford et al, *Criminal Nature*.

¹⁴³ US Fish and Wildlife Service, "US Ivory Crush: Questions and Answers," <http://www.fws.gov/international/pdf/factsheet-ivory-crush-qa.pdf>

¹⁴⁴ Daniel Arkin, "US crushes 6 tons of illegal ivory to send message to poachers, traffickers," NBC News, 15 November 2013. <http://www.nbcnews.com/#/news/other/us-crushes-6-tons-illegal-ivory-send-message-poachers-traffickers-f2D11594098>

¹⁴⁵ Karl Mathieson, "Does destroying ivory save elephants?" *The Guardian*, 6 February 2014. www.theguardian.com/environment/2014/feb/06/does-destroying-ivory-save-elephants

¹⁴⁶ African Parks, "Chad burns 1.1 ton ivory stockpile at Zakouma National Park's 50th Anniversary and bestows accolades on African Parks," February 25, 2014. http://pfbc-cbfp.org/news_en/items/african-parks-en-release.html

France¹⁴⁷, Belgium¹⁴⁸, China¹⁴⁹, and Hong Kong¹⁵⁰ have kept the elephant poaching crisis in the news and when complete will put approximately 45 tons of ivory beyond use. These ivory crushes have been accompanied by other actions and commitments; the U.S. announced tightened ivory regulations and a \$1 million reward for information to capture a major kingpin.¹⁵¹ France will increase fines on illegal wildlife trafficking to up to €750,000¹⁵², the EU hosted a major conference including a number of African Heads of State¹⁵³, and the top three ivory retailers in Hong Kong announced they would no longer sell ivory.¹⁵⁴

Leverage Politics

The involvement of high profile political leaders has increased the attention being paid to the elephant poaching crisis and illegal ivory trade from 2012 to the present.¹⁵⁵ The increasing prominence of the politicians and venues associated with new initiatives to combat poaching and illegal ivory trade appears to be influencing decisions of others to follow suit. In the US, a 2008 Hearing in the House Natural Resources Committee was followed four years later with a hearing in the Senate Foreign Relations Committee, a much more powerful Committee of the upper

¹⁴⁷ Todd, Tony. "In Pictures: France Crushes Illegal Ivory by Eiffel Tower." 6 February 2014. France24. http://www.france24.com/en/20140206-pictures-france-destroys-huge-stockpile-illegal-ivory-paris-elephants/#/?&_suid=140063527965702708875806018917

¹⁴⁸ Euronews. 9 April 2014. <http://www.euronews.com/2014/04/09/belgium-crushes-illegal-ivory-stockpile/>

¹⁴⁹ Yao, Yang and Chen Weihua. "China destroys illegal ivory stash." China Daily. http://usa.chinadaily.com.cn/china/2014-01/07/content_17219261.htm

¹⁵⁰ Ramzy, Austin. "Activists Praise Hong Kong's Destruction of Confiscated Ivory." New York Times. May 15, 2014. http://sinosphere.blogs.nytimes.com/2014/05/15/conservationists-praise-hong-kongs-move-to-destroy-confiscated-ivory/?_php=true&_type=blogs&_r=0

¹⁵¹ Narula, Svati Kirsten. "Crush and Burn: A History of the Global Crackdown on Ivory." The Atlantic. 24 January 2014. <http://www.theatlantic.com/international/archive/2014/01/crush-and-burn-a-history-of-the-global-crackdown-on-ivory/283310/>

¹⁵² RFI. "France steps up fight against ivory poaching." *France Afrique*. 6 December 2013. <http://www.english.rfi.fr/africa/20131206-france-stepping-fight-against-poaching-and-ivory-trade>

¹⁵³ Conference on the EU Approach Against Wildlife Trafficking, 10 April 2014, Brussels. http://ec.europa.eu/environment/cites/traf_conf_en.htm

¹⁵⁴ WildAid, "News: Third Hong Kong Retailer Drops Ivory," 12 May 2014. <http://www.wildaid.org/news/third-hong-kong-retailer-drops-ivory>

¹⁵⁵ The Economist. February 8, 2014. <http://www.economist.com/news/international/21595932-push-stop-poaching-and-save-elephants-extinction-up-smoke>

chamber of Congress, in 2012. Then-Senator John Kerry's convening of that hearing was followed by Secretary of State Hillary Clinton announcing in November 2012 a four-part plan to tackle wildlife trafficking, including providing additional grant and aid funding and requesting that the intelligence agencies assess the security risk of the poaching crisis.¹⁵⁶ By July 2013, President Obama had signed an Executive Order on Wildlife Trafficking mandating a series of actions, including the establishment of a task force with representation from 16 executive agencies.¹⁵⁷ Also in July, combatting wildlife crime was the subject of formal discussions between US and Chinese officials at the US China Strategic and Economic Dialogue.¹⁵⁸

French President François Hollande appointed Nicolas Hulot, a high profile filmmaker and environmentalist, special envoy on the environment in December 2012, with responsibility for, among other things, raising "the interest of public opinion, influential people and world leaders on such environmental priorities as the preservation of biodiversity, the protection of the oceans and the fight against trafficking in endangered species."¹⁵⁹ Prior to crushing part of its ivory stockpile, France hosted the France Africa Summit.¹⁶⁰

Examples of leverage politics can be found in the intergovernmental and regime context as well. The formation of the International Consortium for Combatting Wildlife Crime, bringing CITES together with higher profile IGOs with broader remits (World Bank, Interpol, UN Office on Drugs and Crime, World Customs Organization), was a way not only to enhance

¹⁵⁶ US Department of State, "Press Release: Secretary Clinton Hosts Wildlife Trafficking and Conservation: A Call to Action," November 8, 2012. <http://www.state.gov/r/pa/prs/ps/2012/11/200355.htm>

¹⁵⁷ White House, "Executive Order: Combating Wildlife Trafficking," 1 July 2013, <http://www.whitehouse.gov/the-press-office/2013/07/01/executive-order-combating-wildlife-trafficking>

¹⁵⁸ IIP Digital, "China, U.S. Partner to Fight Wildlife Trafficking," 19 July 2013. <http://iipdigital.usembassy.gov/st/english/article/2013/07/20130719279191.html#axzz32LESj4kE>

¹⁵⁹ Biography, "Nicolas Hulot, Special Envoy of the French President for the Protection of the Planet," <http://www.eesc.europa.eu/resources/docs/biography-nicolas-hulot.pdf>

¹⁶⁰ Congo Basin Forest Partnership, "France-Africa Summit tackles Elephant and Rhinoceros poaching," http://pfbcbfp.org/news_en/items/sommet-paris-en.html

coordination, but also to demonstrate the significance of the wildlife crime issue on the global agenda. Also, the fact that the European Union members now make a collective decision on their positions at CITES and cast their 27 votes as a block has made influencing the EU institutions an important focus for transnational advocacy network members. The odds of a unified stance against potential ivory or rhino horn downlisting or sale proposals at CoP17 seem more likely than at any other time.

Asian and African countries have also been making new commitments as a result of this escalation of wildlife to a prominent spot on the international agenda. In September 2013, the Clinton Global Initiative's Save the Elephants Commitment involved getting 7 countries, including Botswana which has in the past taken strong pro-ivory trade positions, to agree to uphold and promote moratoria on all domestic ivory sales, given the evidence that proximity to unregulated domestic markets is a factor in the poaching and trafficking.¹⁶¹ In March 2014, Prime Minister Nguyen Tan Dung of Vietnam, the biggest market for rhino horn and also implicated in illegal ivory trade, announced a top-level Directive to toughen judiciary responses to wildlife crime cases and strengthen inter-agency enforcement cooperation.¹⁶²

Accountability Politics

Investigating and publicizing countries' adherence to their pledges is an important tool for TANs to pursue a shift from discussions to action. NGOs, IGOs and independent experts publish and disseminate results of investigations on illegal trade within specific countries and regions to draw attention to weakness of enforcement. WWF published its *Wildlife Crime*

¹⁶¹ David Braun, Global Partnership Formed to Save Elephants in Key Protected Areas," *National Geographic Voice for the Elephants Blog*, 26 September 2013. <http://newswatch.nationalgeographic.com/2013/09/26/global-partnership-formed-to-save-elephants-in-key-protected-areas/>

¹⁶² TRAFFIC, "Viet Nam Prime Minister Orders Action on Wildlife Crime," March 4, 2014, <http://www.traffic.org/home/2014/3/4/viet-nam-prime-minister-orders-action-on-wildlife-crime.html>

Scorecard, an assessment of compliance and enforcement in 23 countries identified as key along the source, transit and consumer chain, in 2012.¹⁶³ CITES threatening sanctions for eight countries, including Kenya and Vietnam, with ongoing poaching and trafficking issues, may be primarily symbolic, but it could have reputational effects and is meant to motivate action. In April 2014, the Kenya Wildlife Service reshuffled a number of senior KWS officials pending investigations, a sign that they are feeling pressure and are concerned about how they are perceived.¹⁶⁴ Also in April, in a case of what could be called *pre-emptive accountability* to counter opposition lobbying, a coalition of NGOs, private companies, celebrities and conservationists took out a full page ad in the *Washington Post* thanking President Obama and asking the Administration to stay the course with its tightened ivory regulations.¹⁶⁵ TAN actors are now closely watching China, the world's top consumer of ivory, where basketball star Yao Ming delivered a petition signed by a number of Chinese CEOs to the Chinese People's Political Consultative Conference (CPPCC), asking China to ban domestic ivory trade.¹⁶⁶

¹⁶³ Kristin Nowell, *Wildlife Crime Scorecard*, (Gland, Switzerland: WWF, 2012).

http://awsassets.panda.org/downloads/wwf_wildlife_crime_scorecard_report.pdf

¹⁶⁴ Alex Kiprotich, "Major KWS shake-up as more rhinos killed," Standard Media, 10 March 2014.

<http://www.standardmedia.co.ke/the-counties/article/2000106534/major-kws-shake-up-as-more-rhinos-killed>

¹⁶⁵ Jane Goodall Institute, "Speaking Out as One for Elephants," 29 April 2014.

<http://www.janegoodall.org/elephantsneedus>

¹⁶⁶ WildAid, "Yao Ming Asks China to Ban Ivory Sales," March 3, 2014. <http://www.wildaid.org/news/yao-ming-asks-china-ban-ivory-sales>

Chapter 5

Conclusions

In a crowded transnational public sphere, it is increasingly difficult to generate high level attention. International environmental regimes help to foster shared norms, rationalize decision making and regulate issues that can only be addressed transnationally, but they are not able to respond quickly in a time of crisis. The transnational advocacy network fighting wildlife crime has, over a few years' time, leveraged information, symbolism, diverse network contacts, and the political opportunity spaces created by the CITES regime and other international meetings to inspire states to take action. Policy makers and the media respond to “noise.”¹⁶⁷ Media coverage increases when there is evidence of crisis and controversy; a review of the New York Times' chronology of coverage of the ivory trade shows a sustained concentration of articles in 1989 during the first crisis, a smaller scale increase when the stockpile sales were approved, and another escalation of coverage from 2012 and sustaining to the present.¹⁶⁸ As networks become more dense, there is an “opportunity spiral” that occurs, with each breakthrough contact, meeting, or media coverage serving as a springboard for another.¹⁶⁹ The ability to build compelling cases from the growing body of evidence and to share that information with network actors who can elevate it to higher levels of visibility helps to create those opportunities.

There are several caveats to be observed from the illegal ivory case, and from wildlife crime more broadly. The first is that an issue frame can be “too effective;” there is a danger that the shift to action focuses too heavily on isolated aspects of the problem, or on certain solutions.

¹⁶⁷ Dan Tarlock, “The Role of Non-Governmental Organizations in the Development of International Environmental Law,” Chicago-Kent College of Law, Illinois Institute of Technology, (March 1992): 68.

¹⁶⁸ New York Times, Ivory Index, <http://topics.nytimes.com/top/reference/timestopics/subjects/i/ivory/index.html>

¹⁶⁹ Nadia Shawki, “Political Opportunity Structures and the Outcome of Transnational Campaigns: A Comparison of Two Transnational Advocacy Networks,” *Peace and Change*, 35 no. 3 (July 2010): 388.

The securitization of wildlife crime is partly a reflection of reality, but too much emphasis on it could neglect other factors associated with the crisis, such as the lack of alternative livelihoods and the weak institutions that contribute to so many other problems. Failure to build local capacity in these areas could mean that the cycle repeats itself once again ten years from now.

The second caveat is that, whether the decision making actor is a state, a regime like CITES or a consortium of non-state actors, all of the international meetings, pledges, and symbolism in the world does not necessarily lead to meaningful change. Realizing the fruits of the transnational advocacy network's success to date will require political will, coordinated effort, and significantly more resources than have been made available to date.

Chapter 6

Policy Recommendations

While TAN actors have demonstrated strong collaboration to raise the profile and sense of urgency around the issue of wildlife crime, there is considerably less transnational network coordination of interventions and funding. All actors, whether state, intergovernmental, nongovernmental, media or private sector, have their own interests – in upholding policies, implementing signature programs, securing funding, and in building brand and reputation. But given the scale of the problem and the vast gap between what needs to be done and what current state capacity and resources can deliver, it is imperative that the transnational advocacy networks more proactively coordinate their implementation activities and investments. Effective targeting of state, non-state, intergovernmental and private sector capacity will enable available resources to achieve greater impact. Funding continues to be a major concern at all levels. The ETIS and MIKE monitoring systems lack confidence in funding beyond a year or two at a time. The Global Environment Fund (GEF) is not considered an official funding mechanism for CITES, which has greatly limited funding available to member states to combat wildlife crime.¹⁷⁰ The African Elephant Action Plan outlines more than \$97 million worth of funding needs over three years, yet the African Elephant Fund created to raise funds in support had only received \$400,000 as of April 2012.¹⁷¹ All of the new funding pools being created by states, private philanthropists, and intergovernmental mechanisms could achieve very little if they are distributed in isolation.

¹⁷⁰ http://www.cites.org/eng/news/pr/2012/20120621_elephant_poaching_ivory_smuggling.php

¹⁷¹ African Elephant Action Plan. Fifteenth Meeting of the Conference of the Parties Doha (Qatar), 13-25 March 2010. CoP15 Inf. 68. 17. CITES. Fourth African Elephant Meeting, Girigi, Kenya 26-27 April 2012. Summary Record. 9.

While there have been significant strides made in strengthening and widening transnational networks, there still seems to be a much lower concentration of locally and regionally based conservation and wildlife crime prevention and enforcement network activity in the developing world, where the problem is acute. The absence of functioning networks is most evident in West and Central Africa where instability and lack of institutions and infrastructure have contributed to the slaughter of thousands of elephants in recent years. Those African leaders that have stepped forward in the past two years could play an important role in translating additional funding and technical support into sustainable change. China, too, could be a critical part of the solution in Africa given their formidable and growing presence and investment there.

Given that elephant poaching levels have exceeded birth rates, and that the level of coordination, violence and linkages to other forms of serious crime have escalated, it is understandable that much of the focus of discussion and action has been on anti-poaching and anti-trafficking efforts. However, there is growing recognition that a formidable long term threat lies in the growing desire and buying power for ivory and other wildlife products in Asia.¹⁷² A long term solution will require a change in consumer knowledge, attitudes and behavior. A number of approaches and channels are being tested by network actors, including a range of different messages from the hard hitting to the emotive, the use of Chinese and international celebrity spokespeople, and outreach to Chinese visiting or working in Africa.¹⁷³ Some of these have shown measurable results on a modest scale.¹⁷⁴ To achieve a shift in consumer behavior, more sophisticated research is needed into the dynamics of consumer demand, including the

¹⁷² WildAid, *Ivory Demand in China*. (San Francisco, CA: WildAid, 2014).

<http://www.wildaid.org/sites/default/files/resources/WEBReportIvoryDemandinChina2014.pdf>

¹⁷³ Examples include the ARREST program's iThink campaign in Thailand around CITES CoP 16; WildAid's PSAs featuring Yao Ming, Li Bing Bing, David Beckham and others; and UNEP's Wild and Precious international airport exhibitions in Kenya and China.

¹⁷⁴ Rapid Asia, Rapid Asia Flash Report: Impact Evaluation on Ivory Trade in China. IFAW PSA "Mom, I have teeth." <http://www.ifaw.org/sites/default/files/ifaw-china-ivory-report.pdf>

motivations of specific consumer segments. Policy learning from successful demand reduction efforts in other domains should also be a priority.

Appendix

Timeline

- 1948 International Union for the Conservation of Nature established
- 1961 World Wildlife Fund founded
- 1972 Stockholm Conference leads to establishment of UN Environment Program
- 1973 US hosts CITES founding convention
- 1975 CITES comes into force
- 1976 TRAFFIC formed as collaboration between IUCN and WWF to be the formal wildlife trade monitoring arm for CITES.
- 1979 CITES Standing Committee is established
- 1970s -80s Poaching wave decimates African elephant populations
- 1984 Environmental Investigation Agency is founded
- 1987 CITES Animals Committee is established
- 1989 CITES CoP puts all African elephants on Appendix I, banning all international trade in ivory.
- 1992 Rio Earth Conference – emergence of sustainable development paradigm
- 1994 Lusaka Agreement
- Interpol environmental crime working group formed

- 1997 Ivory Stockpile sale to Japan authorized. MIKE and ETIS databases established.
Zimbabwe “livelihood amendments” defeated.
Environmental Investigation Agency (EIA) investigation predicts rise of China as the next major consumer market
- 1999 Lusaka Agreement Task Force formed
- 2002 Unprecedented ivory seizures in Singapore
Second ivory stockpile sale authorized
- 2004 CITES enforcement working group formed
UNODC classifies wildlife crime as serious crime
- 2005 Interpol establishes Environmental Crime Programme
US funds formation of Coalition Against Wildlife Trade (CAWT) to raise profile of issue
ASEAN forms Wildlife Enforcement Network (ASEAN-WEN)
Species Survival Network (SSN) of NGOs is formed
- 2007 CITES establishes nine year moratorium on ivory trade and DMM group
- 2008 Killing with Keystrokes reveals scale of illegal wildlife trade on the internet
US Congressional Hearings in the Natural Resource Committee
- 2007 Forensic biologist Sam Wasser conducts DNA analysis on 2002 seizure and finds that all of the ivory came from two specific locations
- 2010 MIKE and ETIS show elephant population declines in all four African regions

All elephant range states adopt African Elephant Action Plan

International Consortium to Combat Wildlife Crime (ICCCWC) formed by CITES, Interpol, World Bank, UN Office on Drugs and Crime (UNODC)

Zambia and Tanzania stockpile sale defeated

2011 Peak year for elephant poaching since the 1989- 25,000 elephants estimated killed in Africa

Two major investigations of China's ivory markets reveal extent of illegal ivory (Martin and Vigne/Gabriel and Hua)

2012 US Senate hearings on wildlife crime – Secretary General of CITES testifies

Secretary of State Hillary Clinton announced Action Plan

2013 President Obama issues Executive Order

Clinton Global Initiative announces Elephant Commitment (African countries commit to a full moratorium (including domestic) ivory bans

Criminal Nature Report documents evidence of transnational rebel and terrorist links to ivory trade

IUCN African Elephant Summit – 14 Urgent Measures

2014 USFWS crushes 6 tons of ivory and announced tightened ivory regulations

UK hosts Conference on Illegal Wildlife Trade – Declaration

France, Belgium and China crush ivory

Hong Kong commits to incinerate its entire stockpile (29 tons)

Bibliography

- African Elephant Action Plan. Fifteenth Meeting of the Conference of the Parties Doha (Qatar), 13-25 March 2010, CoP15 Inf. 68, 7.
- African Elephant Summit Urgent Measures, 3 December 2013. https://cmsdata.iucn.org/downloads/african_elephant_summit_final_urgent_measures_3_dec_2013.pdf
- Akella, Anita Sundari and James B. Cannon. *Strengthening the Weakest Links: Strategies for Improving the Enforcement of Environmental Laws Globally*. (Washington, DC: Conservation International, 2004).
- Brown, L. David and Vanessa Timmer. "Civil Society Actors as Catalysts for Transnational Social Learning." *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 17, No. 1 (March 2006): 1-16.
- Brockington, Dan. "Powerful Environmentalisms: Conservation, Celebrity and Capitalism." *Media Culture Society* 30, (2008) Accessed at <http://mcs.sagepub.com>
- CITES. "Elephant Conservation, Illegal Killing and Ivory Trade," SC62 Doc. 46.1, Geneva: CITES, 2012, 20. <http://www.cites.org/eng/com/sc/62/E62-46-01.pdf>
- _____ "Monitoring the Illegal Killing of Elephants." CoP16 Doc. 53.1, Geneva: CITES, 2013.
- _____ "Regulating the World's Wildlife Trade." Geneva: CITES, 2013.
- Elliott, Lorraine. "Transnational Environmental Harm, Inequity and the Cosmopolitan Response." In *Handbook of Global Environmental Politics*, edited by Peter Dauvergne. Cheltenham, UK: Edward Elgar Publishing, 2012. Credo Reference. Web. 3 March 2014.
- _____ "Transnational Environmental Crime in the Asia Pacific: An 'Un(der) securitized' Security Problem?" in *Environmental Crime: A Reader*, edited by Rob White, 499-509. 2009. Portland, Oregon: Willan Publishing, 2009. 507.

Environmental Investigation Agency. *Lethal Experiment*. (London, UK: EIA, 2000).

_____. *Upholding the Law: The Challenge of Effective Enforcement*. (London, UK: EIA, 2007).

_____. *In Cold Blood: Combating Organized Wildlife Crime*. (London, UK: EIA, 2014).

Esty, Daniel C. and Maria H. Ivanova. "Globalization and Environmental Protection: a Global Governance Perspective" *Global Environmental Governance: the Post-Johannesburg Agenda*, Yale Center for Environmental Law and Policy, New Haven, CT, 23-25 October 2003.

Fay, J. Michael. "Last Stand in Zakouma." *National Geographic*, March 2007.
<http://ngm.nationalgeographic.com/2007/03/ivory-wars/fay-text/12>

Gabriel, Grace, Ning Hua and Juan Wang, *Making a Killing: A 2011 Survey of Ivory Markets in China* (MA: IFAW, 2011),18-19.

Gehring, Thomas. "International Environmental Regimes as Decision Machines." In *Handbook of Global Environmental Politics*, edited by Peter Dauvergne. Cheltenham, UK: Edward Elgar Publishing, 2012. Credo Reference. Web 3 March 2013.

Gemmill, Barbara and Abimbola Bamidele-Izu. "The Role of NGOs and Civil Society in Global Environmental Governance." in *Global Environmental Governance: Options and Opportunities*, edited by DC Esty and MH Ivanova, 1-24. Princeton, NJ: Yale School of Forestry and Environmental Studies, 2002.

Henk, Dan. "Biodiversity and the Military in Botswana." *Armed Forces & Society* 32 (2006): 273-291.

Hoffmann, Michael. "The Impact of Conservation on the Status of the World's Vertebrates." *Science* 330, (10 December 2010): 1503-1509.

Humphreys, Jasper and M. L. R. Smith. "War and Wildlife: the Clausewitz Connection." *International Affairs* 87, no. 1 (2011): 121-142.

International Consortium on Combating Wildlife Crime. *Wildlife and Forest Crime Analytic Toolkit*. (New York: United Nations, 2012).

Katzenstein, Peter J., Robert O. Keohane, and Stephen D. Krasner. "International Organization and the Study of World Politics." *International Organization* 52 (1998): 645-686.

Keck, Margaret E. and Kathryn Sikkink. *Activists Beyond Borders: Advocacy Networks in International Politics*. New York: Cornell University Press, 1998.

_____. "Transnational advocacy networks in international and regional politics." *International Social Science Journal* 51, no. 159 (1999): 89-101.

Lawson Katherine and Alex Vines, *Global Impacts of the Illegal Wildlife Trade: The Costs of Crime, Insecurity and Institutional Erosion* (London, UK: Royal Institute of International Affairs, 2014), ix. Accessed at <http://www.chathamhouse.org/sites/default/files/public/Research/Africa/0214Wildlife.pdf>

Lemieux, Andrew M. and Ronald V. Clarke, "The International Ban on Ivory Sales and its Effects on Elephant Poaching in Africa," *British Journal of Criminology* 49 (2009): 451-471.

London Conference on the Illegal Wildlife Trade. Declaration. 12-13 February 2014

Martin, Esmond and Lucy Vigne, *Ivory Dynasty: A report on the soaring demand for elephant and mammoth ivory in southern China* (London: Elephant Family, The Aspinall Foundation and Columbus Zoo and Aquarium, 2010) http://www.elephantfamily.org/uploads/copy/EF_Ivory_Report_2011_web.pdf

Moon, Ban Ki. "Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas." 20 May 2013. S/2013/297 2-3. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/297

Nowell, Kristin. *Wildlife Crime Scorecard*, (Gland, Switzerland: WWF, 2012). http://awsassets.panda.org/downloads/wwf_wildlife_crime_scorecard_report.pdf

- Pires, Stephen F. and William D. Moreto. "Preventing Wildlife Crimes: Solutions that Can Overcome the 'Tragedy of the Commons.'" *European Journal on Criminal Policy Research* 17 (2011): 101-123.
- Paquet, PC and CT Darimont. "Wildlife conservation and animal welfare: two sides of the same coin?" *Animal Welfare* 19(2010):177-190.
- Princen, Thomas. "A Sustainability Ethic," in *Handbook of Global Environmental Politics*, ed. Peter Dauvergne (Cheltenham, UK: Edward Elgar Publishing, 2012). Credo Reference. Web. 3 March 2014.
- Rapid Asia. "Rapid Asia Flash Report: Impact Evaluation on Ivory Trade in China. IFAW PSA "Mom, I have teeth." <http://www.ifaw.org/sites/default/files/ifaw-china-ivory-report.pdf>
- Ratchford, Marina, Beth Allgood, Paul Todd. *Criminal Nature: The Global Security Implications of the Illegal Wildlife Trade*, (Washington, DC: IFAW, 2013), 7.
- Schneider, Jacqueline, L. "Reducing the Illegal Trade in Endangered Wildlife: The Market Reduction Approach," *Journal of Contemporary Criminal Justice* 24, (2008): 274-295.
- Senate Committee on Foreign Relations. "Ivory and Insecurity: The Global Implications of Poaching in Africa." 112th Congress, 2nd Session, May 24, 2012. http://www.foreign.senate.gov/imo/media/doc/Scanlon_Testimony.pdf
- Shawki, Noha. "Political Opportunity Structures and the Outcome of Transnational Campaigns: A Comparison of Two Transnational Advocacy Networks." *Peace and Change*, 35 no. 3 (July 2010).
- Smith, Jackie and Dawn Wiest. "The Uneven Geography of Global Civil Society: National and Global Influences on Transnational Association." *Social Forces*, 84 no. 2 (December 2005): 621-652.
- South, Nigel and Tanya Wyatt. "Comparing Illicit Trades in Wildlife and Drugs: An Exploratory Study." *Deviant Behavior* 32 (2011): 538-561.
- Stiles, Daniel. "CITES – approved ivory sales and elephant poaching." *Pachyderm* 45 (July 2008-June 2009): 150-153.

- Stone, Diane. "Learning Lessons, Policy Transfer and the International Diffusion of Policy Ideas." Centre for the Study of Globalisation and Regionalisation Working Paper no. 69/01. (April 2001).
- Tarlock, Dan. "The Role of Non-Governmental Organizations in the Development of International Environmental Law," Chicago-Kent College of Law, Illinois Institute of Technology, (March 1992): 68.
- Tarrow, Sidney. *New Transnational Activism*. Cambridge: Cambridge University Press, 2005.
- Thorson, Erica and Chris Wold. *Back to Basics: An Analysis of the Object and Purpose of CITES and a Blueprint for Implementation*. Portland, Oregon: International Law Project, 2010.
- Underwood, Fiona et al. "Dissecting the Illegal Ivory Trade: An Analysis of Ivory Seizures Data." *PLOS One* (October 2013).
<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0076539>
- UNEP, CITES, IUCN, TRAFFIC. *Elephants in the Dust: The African Elephant Crisis*, (Nairobi, Kenya: UNEP, 2013).
- UNEP. "Performing the Role of Leading Global Environmental Authority: The United Nations Environment Assembly of UNEP in the United Nations System and Global Governance." 21 March 2014.
- Walker, Frederick. *Ivory's Ghosts: The White Gold of History and the Fate of Elephants* (New York: Atlantic Monthly Press, 2009).
- Wasser, Samuel et al. "Elephants, Ivory, and Trade." *Science* 327 (12 March 2010): 1332
- _____ "The Ivory Trail." *Scientific American*. (July 2009).
- _____ "Using DNA to Track the Origin of the Largest Ivory Seizure Since the 1989 Trade Ban." *PNAS* 104, no. 10 (March 6, 2007).
- Wellsmith, Melanie. "The Applicability of Crime Prevention to Problems of Environmental Harm: a Consideration of Illicit Trade in Endangered Species." In *Global Environmental Harm: Criminological Perspectives*, edited by Rob White, 151-165. Devon, UK:Willan Publishing, 2010.

Wellsmith, Melanie. "Wildlife Crime: the Problems of Enforcement." *European Journal on Criminal Policy and Research* 17 no. 2 (2011): 125-148.

WildAid. *Ivory Demand in China*. (San Francisco, CA: WildAid, 2014). <http://www.wildaid.org/sites/default/files/resources/WEBReportIvoryDemandinChina2014.pdf>

Williams, Christopher. "An Environmental Victimology." In *Environmental Crime: A Reader*. Edited by Rob White, 205-218. Portland, Oregon: Willan Publishing, 2009.

Wylar, Liana Sun and Pervaze A. Sheikh. *International Illegal Trade in Wildlife: Threats and U.S. Policy*. (Washington D.C.: Congressional Research Service, 2008).

WWF/Dalberg. *Fighting Illicit Wildlife Trafficking: A Consultation with Governments*. Gland, Switzerland: WWF International, 2012. 1-34.

Zimmerman, Mara E. "The Black Market for Wildlife: Combating Transnational Organized Crime in the Illegal Wildlife Trade." *Vanderbilt Journal of Transnational Law* 36 (November 2003): 1657-1689.