TÍTULO

A REVIEW OF THE EFFECTIVENESS OF CITES IMPLEMENTATION IN CONSERVATION OF LISTED SPECIES OF CONCERN

THE NATIONAL ACTION PLANS ON ELEPHANT IVORY AND RHINO HORN TRADE

AUTOR

Doreen Kavenya Mutung'a

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Tutor	Dr. Kariuki Muigua
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Doreen Kavenya Mutung'a

Thesis Tutor: Dr. Kariuki Muigua

UNIVERSIDAD INTERNACIONAL DE ANDALUCIA.

Sede Antonio Machado, Baeza, Spain

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ABSTRACT

The African Elephant and the black rhino were listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) in 1989 and 1997, respectively, prohibiting their international trade. However, the illegal ivory trade continued to thrive, leading to the development of National Ivory Action Plans (NIAPs) to combat the illicit ivory trade and trafficking. The NIAPs process created an obligation on CITES parties in the illegal ivory supply chain to take specific measures in specific timeframes to tackle the trade. The CITES Guidelines to the National Ivory Action Plan process adopted at the 17th Conference of the Parties recognized the need for performance indicators and targets to demonstrate progress.

The aim of this research is to assess the efficacy of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) measures that are specific to certain species. This includes examining the effectiveness of the National Ivory Action Plans Process and the Rhino Horn National Action Plans in the conservation of endangered species. The study also seeks to determine whether similar measures can be applied to other species of concern that are listed under CITES, to prevent their extinction caused by unsustainable trade.

The study utilized questionnaires and interviews to investigate the effectiveness of CITES measures in the conservation of specific endangered species. Expert interviews were conducted with 15 individuals from law enforcement and CITES management and scientific authorities officers, selected based on their role in implementing CITES provisions and developing and implementing national ivory and rhino horn plans, as well as wildlife law enforcement. The interviews took place from December 2022 to March 2023, both in person and online, and consisted of predetermined close-ended questions. Experts were chosen from various CITES management authorities, scientific authorities, non-government agencies, and law enforcement officers, including customs officers. The findings of this study will provide valuable insights into the effectiveness of CITES measures and their potential application to other endangered species.

The study findings are presented through charts and tables, and indicate that the majority of interviewees were from management authorities. This is a crucial role in the CITES processes and the National Action Plans process, as they are responsible for permitting and reporting.

DEDICATION

First and foremost, I dedicate this study to the memory of the iconic countless elephants and rhinos lost to poaching. May we continue to work towards their conservation and ensure that future generations can appreciate their beauty and value to our planet.

Secondly, I would like to dedicate this work to my late father, my family and friends who provided unwavering support throughout my study. Your encouragement, love, and understanding helped me to persevere during the challenging times, and I could not have achieved this without you. Thank you for being my rock and believing in me every step of the way.

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Table of Contents

ABSTRACT III

DEDICATION IV

ACKNOWLEDGMENTS V

LIST OF ABBREVIATIONS AND ACRONYMS 1

LIST OF FIGURES AND TABLES 2

FIGURES 2

TABLES 3

CHAPTER ONE 4

INTRODUCTION 4

BACKGROUND OF STUDY 7

NATURE OF THE PROBLEM 7

JUSTIFICATION 7

RESEARCH QUESTIONS 7

MATERIALS AND METHODS 8

HYPOTHESES 8

METHODOLOGY 9

Demographic Analysis 9

Data acquisition 9

Data analysis 9

CHAPTER TWO 11

EFFECTIVENESS OF CITES IMPLEMENTATION IN THE CONSERVATION OF LISTED SPECIES OF CONCERN 11

INTRODUCTION 11

CITES AND TRADE 13

EFFECTIVENESS OF THE CITES 19

Multi-Agency Cooperation 19

Provision of Clear Rules 19

Prevention of Abuse and Non-Compliance 20
CHALLENGES OF CITES IMPLEMENTATION 21
Lack of CITES Inclusivity 21
Inadequate Data on Different Species 22
Lack of Resources and Capacity 23
Lack of CITES Compliance 23
Corruption and Illegal Trade 24
Limited stakeholder engagement: 24
CONCLUSION 24
CHAPTER THREE 26
EFFECTIVENESS OF THE NATIONAL IVORY ACTION PLAN TOOL AS A MEASURE IN CONSERVING THE ELEPHANT SPECIES 26
INTRODUCTION 26
OVERVIEW OF CITES AND THE NATIONAL IVORY ACTION PLAN (NIAP) 27
THE IMPACT OF THE ILLEGAL IVORY TRADE ON ELEPHANT CONSERVATION 29
Population Decline 29
Loss of Genetic Diversity 30
Decline of Plant Species. 30
Disruption of Ecosystems 30
Threat to Local Economies 31
THE EFFECTIVENESS OF THE NATIONAL IVORY ACTION PLAN (NIAP) TOOL 31
ISSUES LIMITING THE NIAP PROCESS 33
SELF-REPORTING MECHANISM TOOL UNDER THE NATIONAL IVORY ACTION PLAN 34
LIMITATIONS OF SELF-REPORTING MECHANISMS 35
CONCLUSION 36
CHAPTER FOUR 38
RESEARCH QUESTION 38
Research questions 38
Data collection 38

Data Type 39
Data Analysis 39
PROFILE OF THE RESPONDENTS 40
Working Duration 41
RESULTS 42
Knowledge and Use of CITES 42
CITES Implementation Procedures 42
Knowledge on National Ivory Action Plan Tool 50
Improvement of NIAP Implementation 51
DISCUSSION 60
CHAPTER FIVE 65
CONCLUSION AND RECOMMENDATIONS 65
CONCLUSION 65
RECOMMENDATIONS 65
BIBLIOGRAPHY 68

List of Abbreviations and Acronyms

ANPN	Agence Nationale des Parcs Nationaux
CAR	Central African Republic
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COP	Conference of Parties
DRC	Democratic Republic of Congo
EPI	Elephant Protection Initiative
ICCWC	International Consortium on Combating Wildlife Crime
IUCN	International Union for Conservation of Nature
IWT	Illegal Wildlife Trade
MIKE	Monitoring Illegal Killing of Elephants
NGOs	Non-Governmental Organizations
NIAP	National ivory Action Plan
SC	Standing Committee
UN	United Nations
UNEP	United Nations Environmental Program
UNODC	United Nations Office on Drugs and Crime
UNWTO	United Nations World Tourist Organization
WCMC	World Conservation Monitoring Centre
WCO	World Customs Organization
WTO	World Trade Organization

LIST OF FIGURES AND TABLES

FIGURES

Figure 1: Representation of the Respondents Interviewed -40

Figure 2: Bar chart showing the Response on the use of the Convention in Preventing Overexploitation of Wild Species -42

Figure 3: Pie Chart showing the Response on the Emphasis of CITES on all Species of Concern - -42

Figure 4: Bar Chart Showing Response on the Effectiveness of CITES if Incentives were Offered -43

Figure 5: Pie Chart Showing Response on National Legislation Supporting the Implementation of the Convention -45

Figure 6: Pie Chart Showing Response on the Consideration of Economic and Social Factors under Resolution 9.24 -45

Figure 7: Bar Chart Showing Response on the Enforcement of CITES Regulations -46

Figure 8: Bar Chart Showing Response on the Effect of CITES Policies on Conservation Statues of Species Listed Under the Convention -47

Figure 9: Pie Chart Showing Response on Stakeholder participation in Creating and Implementing CITES policies -48

Figure 10: Pie Chart Showing Response on the Impact of NIAP in Reducing Illegal Trade of Ivory. -50

Figure 11: Bar Chart Showing Response to the Effectiveness of NIAP in reducing Poaching 51

Figure 12: Pie Chart Showing Response on the Effectiveness of Monitoring and Evaluation of the NIAPs -52

Figure 13: Bar Chart Showing response on public awareness and education campaigns on ivory demand -53

Figure 14: Pie Chart Showing Response on NIAPs Capacity to Adapt to Emerging Challenges -53

Figure 15: Bar Chart Showing Response on Whether NIAPs Should Focus More on the Impact of the Tool Rather than the Actions of the Parties as Determinants of Effectiveness -54

Figure 16: Pie Chart Shows Response on the Role of Enforcement Agencies in the Implementation of NIAPs -55

Figure 17: Pie Chart Showing Response of the Consideration of the Social, Economic and Environmental Implications of Implementing NIAPs on Local Communities -56

Figure 18: Pie Chart Showing Response on the Effectiveness of CITE Species Specific Measures in Conserving Listed Species of Concern -57

Figure 19: Pie Chart Showing Response on the Effectiveness of NIAPs tool as a CITES Compliance Measure in Conserving the Elephant Species -58

Figure 20: Pie Chart Showing Response on Whether CITES Species Specific Tools Should be Adopted -59

Figure 21: Pie Chart Showing Response on the Role of Technology and Innovation in Supporting CITES -59

TABLES

Table 1: Data Type Collected -39

Table 2: Working Duration of the Interviewees -41

CHAPTER ONE

Introduction

The Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) was adopted in 1973 with the objective of controlling international trade in species that are at risk of extinction. By providing for legal, sustainable and traceable international trade. (Biniaz, 2006)

An objective of the CITES convention is to serve the needs of conservation while attempting to ensure sustainability in international trade of species, their derivatives and products. (Jenkins, 2000) The convention established the requisite legal framework for regulation of trade in wild endangered species and set up mechanisms for regulation of trade on other species. (IUCN, CITES and CBNRM, 2011)

CITES has limited itself to strict adherence to legal and sustainable trade in wildlife and the impacts of the convention have been of benefit to multiple species like whales, sea turtles, parrots among others which were otherwise threatened with extinction due to unregulated, illegal and unsustainable trade. (Scanlon, 2020)

In the 1970s and the 1980s, it is estimated that an average of 100,000 elephants were killed a year due to illegal and unsustainable offtake of ivory resulting in an estimated reduction of the population sizes in Africa declining by 80% in a decade (World Wildlife Fund, 2004) resulting to the listing of the species under Appendix II of the convention in 1976. Despite the listing of the species under Appendix II, it became difficult to distinguish between legal and illegal ivory. (Elephant Listening Project, 2022) By the 1980s, populations of African Elephants had dropped from over a million to about 400,000. This brought attention to parties and a proposal was submitted to up list the species to Appendix I. (Padgett, 1995)

Consequently, Parties to the Convention transferred the African Elephant to Appendix II to Appendix I in October 1989. The black rhino was listed in Appendix I in 1997, meaning the international trade of the species was prohibited from those respective dates. (World Wildlife Fund, 2004)

At the 12th meeting of the Conference of Parties, the Elephant Trade Information System (a program introduced at CITES CoP 10 to monitor and analyse trends in illegal ivory trade) produced its first analytical report that showed continued illegal ivory trade directly linked to the presence of unregulated markets and poor law enforcement mechanisms to large scales trade in ivory in Asian and African markets. (Secretariat, 2002) The report further showed an increase in seizures of ivory since 1998 resulting with Parties adopting formal measures to address domestic ivory markets. The Conference of Parties adopted decision 12.39 directing the Secretariat to carry out an assessment of compliance of CoP12 Conf 10.10 on trade in elephant species and required key countries to initiate action plans for parties that had not complied with the decision. (World Wildlife Fund, 2004)

CITES Resolution 10.10 (Rev CoP18) laid down an action plan for 'Trade in Elephant Specimen.' The action plan under the resolution directed countries with unregulated domestic ivory markets obligated parties to comply with the requirements of the convention or face punitive sanctions including suspension of trade. (CITES Secretariat, 2018)

Despite the listing of the African Elephant in Appendix I, illegal ivory continued to be traded from illegally killed elephants. UNODC estimated that between 2016 and 2018, 10,000 elephants were illegally killed in the illegal trade and trafficking of ivory and other specimen from the elephant. It was also clear that poaching was not the only source of the ivory being sold in the illegal markets with tusks being found in source countries, transit countries and in destination countries. (United Nations Office on Drugs and Crime (UNODC) , 2020)

When an analysis contained in the Elephant Trade Information System was done in preparation of the 16th Conference of the Parties meeting, the report identified countries that were heavily implicated in illegal ivory trade. Parties implemented compliance measures in order to mitigate the illegal ivory trade.

The National Ivory Action Plans (NIAPs) was developed by parties to the convention as a species-specific action. The NIAPs process created an obligation on cited countries in the illegal supply chain to take specific measures in specific timeframes to tackle illicit ivory trade and trafficking through national legislation, enforcement and public outreach. (Wild for Life, 2022)

The CITES National Ivory Action Plan was therefore developed as a practical tool to be used by the 22 parties (eight parties categorized as countries of 'primary concern', eight parties categorized as countries of 'secondary concern' and six parties categorized as 'important to watch'). The NIAPs tool was developed to strengthen domestic controls in trade in ivory and ivory markets to assist in combatting illegal wildlife trade in ivory. (Conservation Action Trust, 2014)

At the 17th Conference of the Parties parties adopted the Guidelines to the National Ivory Action Plan (NIAP) process, which offered a guidance on strengthening the responsiveness of individual countries in addressing elephant poaching and ivory trade. The NIAP guidelines adopted at the Conference of the Parties recognized the need for performance indicators and targets to demonstrate progress. (Environmental Investigation Agency, 2017)

Similarly, at the 9th CoP meeting, parties passed CITES Res. Con 9.14 of the "Conservation of rhinoceroses in Asia and Africa" with the aim of creating a pragmatic and realistic framework for rhino conservation and for dealing with issues of trade. The document recognized that the international measures set by the Conference of Parties had unintended results with illegal trade in rhino horn increasing by driving the trade underground and causing a rise in prices in the consumer markets. The resolution required parties to mark, register and secure their stockpiles and implement domestic measures such as national legislation to reduce illegal trade. Resolution Conf 9.14 also asked the Standing Committee (SC) to develop standardised indicators of success to measure changes in levels of illegal hunting and populations of rhino populations in range countries. (Emslie, 1999)

Rhino populations declined rapidly during the same period with populations falling from an estimated 70, 000 in Africa to an estimated 15,000 rhinos. (World Wildlife Fund, 2004) By 1990, the populations of black rhino in Africa was 3,390 and 4745 rhinos due to poaching for illegal trade. (Gakahu, 1991)

This research focuses on an evaluation of CITES implementation in the conservation of listed species of concern, that is the African Elephant and Rhino. The study looks at the mechanisms put in place, specifically the National Ivory Actions Plan and Rhino Horn Trade Action plans to assess their effectiveness in conserving listed species of concern and whether these mechanism can be used to conserve other listed species of concern.

Background of Study

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an instrument reliant on compliance by parties. The convention requires parties to create administrative and legislative systems to ensure the objectives of the convention are met to facilitate the sustainable use of wild flora and fauna. The Conference of Parties have developed species-specific actions which create obligations on cited countries in the illegal supply chain to take specific measures in specific timeframes to tackle illicit trade and trafficking.

Nature of the Problem

CITES requires Parties to the convention to take appropriate measures to enforce the provisions of the convention which is important for effective implementation of the convention however since the enactment of the convention, several species have gone into extinction. The study seeks to establish if CITES compliance measures have been effective in conserving listed species of concern.

Justification

The purpose of the study is to evaluate the effectiveness of CITES species specific measures, such as the National Ivory Action Plans Process and the Rhino Horn National Action Plans in conserving species of concern and investigating if the process can be applied similarly to other listed species of concern to mitigate their extinction due to unsustainable offtake.

Research Questions

i. Are CITES species specific measures effective in conserving listed species of concern?
ii. Is the National Ivory Action Plan tool an effective CITES compliance measure in conserving the elephant species?
iii. Is the self-reporting mechanism tool under the National Ivory Action Plan sufficient in enforcing compliance in relation to Resolution Conf. 10.10 (Rev CoP18)?
iv. Can the National Action Plans Process be used similarly to other listed species of concern?

Materials and Methods

Literature review was an essential component of this research study and was focused on evaluating the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. To conduct a literature review on the effectiveness of the CITES convention, the researcher reviewed a wide range of literature sources, including academic journals, reports, books, and other publications related to the topic. The literature review aimed at identifying and synthesizing existing knowledge and research on the effectiveness of the CITES convention in achieving its objectives.

The review explored the various methods used in evaluating the effectiveness of the CITES convention, including the use of quantitative and qualitative data. In addition to the literature review, questionnaires and interviews were used to collect data on the effectiveness of the CITES convention. These methods collected valuable insights and perspectives from individuals who have first-hand experience in implementing and enforcing the convention as well as implementing National Ivory and Rhino Horn Action Plans.

The questionnaire was designed to collect quantitative data on specific aspects of the CITES convention, such as the effectiveness of enforcement mechanisms or the impact of the convention on the conservation of threatened and endangered species. On the other hand, interviews were conducted to collect qualitative data and in-depth insights on the challenges and successes of implementing the convention.

Conducting a literature review, designing and administering questionnaires, and conducting interviews were crucial components of this comprehensive research project aimed at evaluating the effectiveness of the CITES convention.

Hypotheses

CITES species-specific measures have measurable impact in the success rate of conserving listed species of concern

Methodology

Demographic Analysis

A descriptive analysis of key users and implementing agencies of CITES compliance including officers from Management Authorities and enforcement agencies who are involved in reporting and enforcement mechanisms.

Data acquisition

The general objective of this study is to assess the evaluate the effectiveness of CITES compliance measures, such as the National Action Plans Process in conserving species of concern and investigating if the process can be applied similarly to other listed species of concern to mitigate their extinction. Primary data will be collected through direct interviews with enforcement officers and management authority officers and secondary data will be collected in the form of publications and reports.

Individual interviews will be administered using semi-structured questionnaires will be used to assess the impact of the APs process as an effective compliance measure.

Literature review and document analysis of National Action Plan reports focusing on analyzing if the process led to a decline in detected illegal trade and species as well as assessing if the tool can be used for other listed species of concern.

Data analysis

Questionnaires and interviews are the methods that will be used to gather data as they are valuable tools for data analysis as well. Questionnaires will be guided by standardized surveys that will be distributed to a group of experts. The data gathered from questionnaires can will be analyzed quantitatively.

Questionnaires and interviews can be valuable tools for gathering data in research studies. When used appropriately and analyzed effectively, they can provide valuable insights into a research topic and help to answer important research questions.

Expected Outcome

The main objective of my research is to evaluate the effectiveness of the NIAPs process in Category 1, 2, and 3 countries with regard to mitigating wildlife crime, particularly in relation to the trade in ivory. To achieve this objective, I will be analyzing both qualitative and quantitative data collected from various sources, such as government agencies, NGOs, and community groups.

In addition to evaluating the effectiveness of the NIAPs process in relation to ivory trade, my research will also assess whether a similar process can be applied to other species of concern. This will involve an analysis of the current state of wildlife trade for other species and a review of existing frameworks for addressing illegal trade.

Furthermore, my research will focus on the effectiveness of rhino action plans in addressing the enforcement challenges associated with combating the illegal trade in rhino horn. This will involve an analysis of the effectiveness of current rhino action plans and an evaluation of the factors that contribute to their success or failure.

Overall, my research will provide valuable insights into the effectiveness of NIAPs and rhino action plans in mitigating wildlife crime and inform future efforts to combat illegal trade in wildlife.

CHAPTER TWO

EFFECTIVENESS OF CITES IMPLEMENTATION IN THE CONSERVATION OF LISTED SPECIES OF CONCERN

Introduction

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement that governs the trading of endangered species to preserve their preservation in the wild. CITES was ratified on 1 January 1975 after being signed in Washington, DC, on 3 March 1973. Its main goal is to make sure that the worldwide commerce in threatened wild animals and flora does not damage their ability to survive in the wild (IUCN - The World Conservation Union, 2000). Three appendices to the agreement categorize species based on their conservation status. Endangered species are listed in Appendix I, and their commercial trade is forbidden. Appendix II includes the species that are risk of being endangered if trade in those species is not controlled. The species that are protected in at least one nation are listed in Appendix III.

A significant commercial activity is the trading in wild species and the products they produce on a global scale. Billions of dollars in profits are made from this international trade. Due to this, it became necessary to control the trade through an international agreement known as the CITES in order to prevent overexploitation and ensure the long-term preservation of wild species (IUCN - The World Conservation Union, 2000)

According to CITES, its goals are to safeguard species' long-term viability and prevent overexploitation as a result of global trade. Through the control of global trade, the Convention seeks to further the protection and sustainable use of species (Anon, 1983). The goal of CITES is to avoid over-exploitation of biodiversity through global trade and to guarantee their long-term existence, according to the preamble of the Convention. The Convention's end goal is undoubtedly to promote species conservation, but legally speaking, it only has authority over the oversight of global trade and cannot be held liable for the consequences of other factors, such as habitat transformation, which have an impact on species conservation (Burgess, 1994). CITES provides for a framework that requires intergovernmental cooperation as global action was necessary to meet the objectives of the treaty and to avoid unilateral restrictions on trade which would consequently penalize individual trading countries vis-à-vis countries that did not impose the restrictions.

CITES has embraced the precautionary principle to govern its decision making on the degree of trade controls, however both the adoption and application of this principle are susceptible to disagreement. This focuses on discrepancies between the principle's intervention and deliberation-guiding applications. The action-guiding model implies that despite the lack of proof that global trade endangers species, action must be taken to regulate it. Uncertainty ought not to serve as an excuse for not taking action that is optimal for conservation efforts, according to the deliberation-guiding version (Hutton & Dickson, 2000). Polarized debate about policy orientations and decisions occurs from uncertainty, although various actors' positions may be supported by different values and other incentives. States are believed to want to defend the Convention (Gehring & Ruffing, 2008), yet they might have personal interests at stake. They could be against trade restrictions on commercially significant species or a loosening of trade restrictions on species with strong cultural significance. However, it is commonly acknowledged that CITES judgments are made for political, economic, and conservational factors. Furthermore, not all actors agree with the precautionary principle, which has its roots in US legislation from the 1950s; some, both state and non-state, advocate an adaptive management strategy.

Although only Parties and their designated bodies (such as the Standing Committee) are allowed to make decisions under CITES, other actors frequently attempt to influence these choices in order to further their own agendas. Since its founding, CITES has aggressively sought support from civil society and multilateral organizations. A large number of NGOs contribute to CITES, with varied purposes, scopes, and objectives (Sas-Rolfes, Hinsley, Veríssimo, & Milner-Gulland, 2019). This comprises non-governmental organizations (NGOs) that promote animal welfare and fight against the consumption of wildlife. These groups use a variety of strategies to advance their frequently constrained objectives, such as presenting problems as having a single policy solution (e.g., a trade ban). Examples of this include the CoP15 and CoP16 proposals to add the polar bear to Appendix I and the 1989 ban on the trade in elephant ivory (Tyrrell & Clark, 2014). NGOs also collaborate with interested Parties on recommendations to modify the appendices, helping to determine the agenda for meetings: Moreover, they engage in lobbying to affect the views of other parties, most notably Parties.

To lessen the idea that CITES forces Northern values on southern Parties rather than letting them develop more regionally relevant policies, efforts have been made to support regional action. They comprise the working groups on NIAPs, Central African Bushmeat, and CITES

and Livelihoods. Nonetheless, despite significant levels of illegal trading in some circumstances, the majority of CITES species do not attract this kind of attention (e.g., orchids) (Hinsley, et al., 2018). Fisheries and wood, which have long been disregarded but to which CITES is currently devoting increased attention, are also neglected. Because of the scope of the illegal wildlife trade (IWT) over the previous ten years, CITES established an unlawful trade reporting mechanism in 2017. As a result, Parties are now required to report both the volume of legal and illegal trade.

Although there are differing views on the efficiency of CITES, it is important to note that it was created in the 1970s using knowledge of commerce at the time. One of the most effective international conservation accords ever, according to legal scholars, but this rating is based more on official ratification by Parties than on actual conservation outcomes (Bowman, 2013). By the latter standard, many people have doubts about the Convention. The complexity of factors impacting species status makes it challenging to causally link choices taken in CITES to an advance in a species' status, and seeking to do so disregards other conservation initiatives. Notwithstanding the crucial function that CITES serves, modern critics point out that it is ineffectual because it over-relies on regulation and ignores the complicated cultural, social, and economic basis of the wildlife trade, particularly the importance of local populations in the developing countries (Challender, Harrop, & MacMillan, 2015).

Although CITES does not explicitly offer incentives to improve the implementation cost of the treaty, it has adopted positive trade measures. The effectiveness of these measures can be assessed through three perspectives: legal, species conservation, and economic. The treaty's implementation includes monitoring requirements, which are supported by comprehensive databases that provide international trade data. This has been instrumental in the fight against the overexploitation of wild species. (IUCN - The World Conservation Union, 2000)

Cites and Trade

The controversy over the CITES ban on the trade in elephant ivory is primarily contested by two opposing viewpoints: utilitarian and preservationist. Preservationists favor a complete prohibition on the trade in elephant ivory and disapprove of any form of it. The utilitarian school of thought advocates for sustainable, regulated ivory trade and contends that the ban really does more damage than good. Data that purports to support each side of the preservationist vs. utilitarian dispute is available (Milliken, 2010). In many senses, this

conceptual difference with regard to employing trade as a conservation technique is unbridgeable (Ginsberg, 2002).

Proponents of the ban, who are primarily from Eastern and Central African countries in addition to Asian countries, contend that even a provisional lifting of the ban for nations with greater population levels would encourage harmful poaching that would spread to other regions that lack healthy elephant populations as well as make it easier to launder illegal ivory procured in those nations (Walsh & White, 1999). The estimates of the population of elephants offered by ban opponents are also disputed by supporters of the ban. Given that most of the elephants in those countries live in the forest, which offers more surveying challenges than the savannah, they wonder if the elephant populations assessed might have been really observed and tallied in the period of time indicated. Surveying requires large resources, which the majority of African governments lack (Walsh & White, 1999).

An ardent opponent of the prohibition has been Kenya. As a component of the enforcement of the ban on the international trade in ivory, its then-president Daniel arap Moi organized a massive burning of seized ivory in 1989 (Sands & Bedecarre, 1990). Burning tradable ivory rather than using the proceeds from a potential sale to fund conservation is a demonstration of Kenya's adamant resistance to utilitarianism. Kenya places more emphasis on using tourism than the trade in ivory to make money off of elephant existence (Heimert, 1995). Richard Leakey, a former director of Kenya's wildlife department, asserted that if ivory became unavailable due to a prohibition, it would lose its value economically (Kaempfer & Lowenberg, 1999). Preservationists strongly disagree with the idea of killing sentient and intelligent animals like elephants under legal authority (Bulte, Damania, & Van Kooten, 2007).

Animal rights groups were vocal supporters of the prohibition because they believe that murdering any animal is wrong (Kaempfer & Lowenberg, 1999). Preservationists prioritize the significance of elephants' continued existence over any prospective advantages of consumption. Preservationists contend that no one can predict with certainty what will occur if ivory commerce is restored and that the consequences are too great if utilitarian proponents are mistaken (Bulte, Damania, & Van Kooten, 2007). One of their worries is that the stigma surrounding ivory consumption, which was so difficult to establish, may be reversed if legal trading is resumed. One reason for the massive decline in elephant populations in the first place was the lack of social shame around the ivory trade (Stiles, 2004). Allowing some commerce

would drive up prices for ivory and make its consumption more acceptable, which would encourage more poachers and smugglers to enter the black market for ivory.

The Convention aims to regulate trade and not to prohibit it, therefore the Convention has general provisions on trade measures to ensure implementation and enforceability of the convention.

1. Trade monitoring and reporting

Article VIII, Paragraph 6 of the Convention requires that Parties to the Convention to maintain records of trade of species and specimen in all appendixes. Further Resolution Conf. 9.24 provides a consolidated guide on all resolutions made by Parties in the preparation of Annual Reports for monitoring of trade. The World Conservation Monitoring Centre (WCMC) has been hired to manage the information given by the Parties and is in charge of overseeing the CITES trade database, which contains a record of each yearly report that is sent to the CITES Secretariat (UNEP & WCMC, 2013).

2. Stricter Domestic Measures

Article XIV of the Convention recognizes that Parties may adopt tougher domestic regulations for the trade, acquisition, possession, or transportation of wild species and specimens, regardless of whether the species is included on the Convention's list of protected species or not (De Klemm, 1993). For instance, some nations have national laws in effect that forbid all foreign commerce in particular species. Additionally, the Standing Committee has in the past advised Parties to take tougher domestic action against nations that consistently disregard the Convention.

3. Listing

The three appendices of the convention's text contain the listing criteria for species, which were produced based on trade, biological, and other listing criteria and approved by countries at Conference of Parties meetings. To promote objectivity and widespread application of the criteria, Resolution Conf 9.24 offers a uniform style for listing suggestions or updating the appendices. CITES is dependent on the cooperation of its members for enforcement because it lacks independent enforcement authority (Kaempfer & Lowenberg, 1999). Using a system of three appendices, CITES employs certificates and licenses to control trade in specific species.

Only a few exemptions to Appendix I's ban on international trade in particular species require both the importing and exporting nation to have licences demonstrating that the trade does not threaten the species' survival (Reeve, 2006). The animals included in Appendix II are not necessarily in danger of going extinct, but they might if trade is not restricted; the commercial trade of many species, like the American black bear, is closely regulated (Lemieux & Clarke, 2009). A warning listing, such as that included in Appendix III, indicates that at least one member state has expressed worry regarding the condition of a particular species. Due to CITES's lack of a defined meaning

The essential tenets upon which international commerce in wildlife resources is governed are the regulations established under CITES. The preamble of CITES, which acknowledges that "wild animals and flora are important parts of the natural systems of the earth that must be preserved for this and the generations to come," provides insight into the organization's goal (Elephant-Action-League, 2013) . The convention recognizes that "global cooperation is important for the protection of particular species of wild fauna and flora against over exploitation via international trade" in light of the increasing importance of wild fauna and flora (White, 2014).

As part of its operation, CITES imposes restrictions on the export, import, re-export, and entry from the sea of the species specified in its three appendices (Appendices I, II, and III). About 5,600 animal species and 30,000 plant species are listed in the three appendices and are safeguarded from overexploitation via international trade (Lawson & Vines, 2014). Trade in these species is governed by obligatory authorization, with trading nations issuing licenses and certifications. Each member state must name a management authority to oversee licensing and a research authority to provide guidance on how trade may affect the survival of traded species. The COP is tasked with considering and adopting revisions to Appendices I and II and reviewing progress made towards the preservation and restoration of species contained in Appendices I, II, and III, which includes reviewing the list of species in these appendices (Karanja, 2012).

Appendix I

Due to the harmful effects of international trade, numerous species are in danger of going extinct. By placing especially rigorous regulation on any trade involving these species, Appendix I aims to safeguard them from being endangered in the future. Only extreme

situations may warrant the authorization of trade. Exceptional circumstances include, among other things, programs for scientific communication, breeding, or teaching (Strydom, 2016). Article III(c) prohibits trade from being conducted principally for commercial gain. The inclusion of a species in Appendix I effectively puts an end to the commercial international trade in that species due to the stringent requirements. The gorillas, tiger species, giant panda, and Asian elephants are a few examples of the species mentioned in Appendix I.

Whenever Appendix I species have to be traded globally, import and export licenses, granted by States' Management Agencies, are necessary (Article III(2) and (3)). Only after the exporting State certifies that export will not be harmful to the continued existence of that species and after verification that safety procedures have been followed during transit to reduce any danger of inhumane treatment or harm (Article III(2)(a)-(c)) may an export permit be issued (Strydom, 2016). Before export, the recipient State must additionally grant an import permit. According to Article III(3), import licenses may only be issued when the import's intent is not to endanger the species' existence and is not essentially commercial in nature. Re-exporting of any specimen that has already been imported requires documentation as well (see Articles III(2)(a) and III(3)(a)).

The importation of species listed in Appendix I from the ocean is prohibited by CITES. Article I(e) of the Convention on Biological Diversity defines introduction from the sea as the transport into a State of specimens of any species collected in the marine ecosystem not under the authority of any State. In certain circumstances, a permit and fulfillment of the aforementioned requirements for the import of Appendix I species (Article III(5)) are required. If a specimen is acquired in the marine environment not under the control of any State (Article I(e)), it is considered to have been taken from the sea.

It should be emphasized that specimens of species classified in Appendix I that are kept in captivity for profit are considered to be part of Appendix II.

Appendix II

Species that are not presently endangered but could become endangered if their trade is not controlled are listed in Appendix II. The Southern elephant seals, hippopotamus, and African penguins are examples of the animals that are mentioned in Appendix II.

In reality, the species listed in Appendix II include both non-threatened species that are traded in large quantities and susceptible species that may become vulnerable if trade in them expands (Bowman, 2013). With more than 30,000 species listed, Appendix II has the most listings of the three Appendices. The States Parties' propensity to list single species in Appendix I and complete families in Appendix II" is considered to be the cause of this (Bowman, Davies, & Redgwell, 2010). To prohibit trade in identical species from endangering species requiring Appendix II control, additional species that are similar to those listed in Appendix II may indeed be added (Article II(2)(b)).

Compared to Appendix I species, trade in Appendix II species is less restricted, with commercial trade allowed as long as it doesn't harm the species' ability to survive in the wild. It is necessary to obtain export permissions, for which the exporting State must make decisions akin to those that apply to species listed on Appendix I. The conclusion that export is not "detrimental to the conservation of that species" (Article IV(2)(b)) must nevertheless be made in specific. Additionally, export permits must be restricted in cases where it is determined that export of an Appendix II species must be decreased. Import permissions are not required, in contrast to Appendix I species. Articles IV(5) and (6) state that certificates for re-export and entry from the sea are both necessary.

Appendix III

For the aim of preventing or regulating exploitation, species listed in Appendix III are recognized as being susceptible to domestic legislation inside a CITES-agreed State Party (Article II (3)). The walrus (listed by Canada), the Bengal fox (listed by India), and common snapping turtles are examples of the species included in Appendix III (listed by the United States).

Compared to species included in Appendices I or II, commerce in Appendix III species requires fewer permits (Sheikh & Corn, 2016). States Parties may independently add or remove species from Appendix III by contacting the CITES Secretariat, although only the Conference of the Parties has the authority to make changes to Appendices I and II (Article XVI). However, it is expected that when new or existing species are added or deleted, the Animals and Plants Committees and other States at the Conference of the Parties will be consulted (Resolution Conf. 9.25 (Rev. CoP17)).

Effectiveness of the CITES

Multi-Agency Cooperation

Qualified NGOs, such as TRAFFIC, a wildlife monitoring group, the International Union on the Conservation of Nature (IUCN), and the United Nations Environmental Program (UNEP), may offer support to the CITES Secretariat, the organization's primary decision-making body. Other member nations apply trade sanctions on the non-complying country when member states violate CITES regulations, which has shown to be a reasonably effective method of compliance (Reeve, 2006). A non-compliant country's trade in another CITES-regulated species may likewise be sanctioned by CITES (Lemieux & Clarke, 2009). The main strategy for securing compliance is for the international community to shame the offender (Danaher, 1999).

Since Article XX of the General Agreement on Tariffs and Trade explains that exclusions to GATT regulations for free trade can be formed for situations in which the welfare of a person, an animal, or a plant requires protection in addition to when it pertains to the preservation of a depletable natural resource; CITES sanctions do not hinder the functioning of the world trade organization (Wold, 2012). A case against CITES sanctions has not yet been taken before the WTO, and the two firms are in contact, as shown by CITES' request to appear at the 2013 session of the WTO's Committee on Commerce and Environment.

Furthermore, the treaty's membership is notable in that it covers the majority of the world's population and includes most consumer and producing nations. Moreover, Parties keep signing up for the Convention (CITES, 2021). As a result, the evidence shows that the Convention is successful in encouraging global cooperation to control the global market.

Provision of Clear Rules

Although the Convention's original plan was for a straightforward set of guidelines, the treaty's complexity has greatly increased over the past few years of development. Yet, the goal of these developments has been to improve the treaty's use, clarity, and scientific foundation. Also, the current initiative to combine resolutions adds to a better understanding of the regulations because so much of CITES is now founded on the choices and resolutions made at COPs (CITES Secretariat, 2018). Although the exact legal status of the COP resolutions is uncertain, the fact that they have a significant impact may be partly attributable to the nature of the COP

process that led to their adoption because it facilitated fruitful negotiations regarding the interpretation and application of the treaty.

Additionally, it should be highlighted that no formal disagreement between the Parties regarding the application or interpretation of the treaty obligations has been raised to date. To clarify the standing of resolutions and decisions, more work must be done. This was acknowledged by the decision made at the tenth COP to clearly differentiate between Convention violations and failure to comply with resolutions in the next report on infractions (Cooney, Challender, Broad, Roe, & Natusch, 2021). Consequently, it may be claimed that CITES succeeds in essentially outlining a clear set of norms, even though a sizable investment of resources and political will is required to implement the bundle of treaty measures efficiently. The ongoing efforts to simplify and clarify the treaty are also appreciated.

Prevention of Abuse and Non-Compliance

CITES fights against illegal wildlife trading by controlling trade in listed species. The fundamental strategy to accomplish this goal has been the establishment of a dual system of restrictions for species listed in Appendix I, with permits founded on scientific findings necessary from both the exporting and importing States. Additionally, in accordance with Article XIV of the Convention, a number of importing nations, most notably those of Australia, the European Union, and the United States, have implemented stricter national regulations to establish such a dual system for their imports of Appendix II and III species (see section 4.2.4).

With trade of elephants, the African Elephant was listed in the convention in 1977. At the time, the value of ivory continued to increase and the trade with non-parties continued to thrive, the Conference of Parties at its fourth meeting noted that the listing was not sufficient to protect the elephant but considered the uplisting to Appendix I counterproductive. At the Fifth conference of Parties, a quota system was introduced however populations of elephants continued to decline and at the Seventh Conference of Parties meeting, the quota system was considered as having failed and the African Elephant was listed in Appendix I in 1989. The Parties considered that due to lack of mechanisms that would ensure permitting was done in accordance with a sustainable management system as well lack of disincentives for cross border exploitation the quota system was unsustainable as countries such as Burundi known to have one elephant in its population was one of the largest ivory exporters.

Another example is the collared peccary (*pecari tajacu)* listed under Appendix II of the Convention. The Convention regulates the volume of trade in their hides. In this case, the Convention is successful in meeting the objective of the mandate in regulating international trade but has not secured the wild populations. Therefore, it is important to consider both the operational and biological perspectives when considering the effectiveness of the convention in conserving species of concern (IUCN - The World Conservation Union, 2000).

After CITES banned international ivory commerce in 1989, poaching decreased; however, when it granted permission for one-time sales of existing stocks of ivory to Japan in 1999 and China in 2008, poaching increased (Cooke & Schlickeisen, 2015). Politicians from the Core have characterized poaching as a security danger, including former "US Secretary of State Hillary Clinton" and former US President Barrack Obama. For instance, Hillary Clinton, a former US secretary of state, described poaching as a problem with national security, public health, and economic security. International wildlife campaign groups have created narratives about a legitimate war between wildlife conservation organizations and non-governmental organizations, and highly motivated, armed, and organized criminal poachers on the other, in order to save critically endangered wildlife species (Duffy, 2014)

Challenges of CITES Implementation

The appendix and permission systems of CITES have a number of acknowledged problems.

Lack of CITES Inclusivity

Because CITES is a tool for international trade, it does not apply to local markets or intrastate wildlife trafficking (Slobodan, 2014). CITES enforcement generally takes place at entry points; national governments are responsible for issues like combating trafficking and illegal domestic trading. The appendix listing mechanism for CITES restricts its use; species not listed in an appendix are not protected by the Convention. Unaffected by CITES are the millions of species that are in danger of extinction, some of which are as a result of wildlife trafficking. Even though there have been reports of trade in the skin of many non-listed reptiles, such as all ten species of crocodile skinks, only 8% of the world's recognized species of reptiles are listed (Nuwer, 2018). his problem is made worse by the fact that political, as opposed to scientific, processes are frequently used to determine which species should be listed in CITES'

Appendices. Inter-state discussions about the inclusion or exclusion of particular species have, in fact, frequently generated intense controversy.

CITES cannot legitimately be expanded into a treaty to control and regulate all facets of illegal trade in wild animals and flora, it has been conceded. (UNODC, 2018). Yet, CITES describes the regulations that wildlife traffickers aim to bypass and, although this does not handle all elements of wildlife smuggling it is the one most framework that supports to an issue of enormous international complexity. It continues to be the only provision of international environmental law that can be invoked to stop the trade in wildlife (Wandesforde-Smith, 2016).

Inadequate Data on Different Species

Any success in enforcing CITES' trading regulations ought to, among other things, result in an improvement in the status of the species or taxonomy in the wild. Changes to the listing on the Appendices should follow changes to status and trade levels. Nonetheless, it has been extremely challenging to gauge how many species' status has changed. Only a small number of species have comprehensive and organized numerical counts available. The set of standards by which species are listed in Appendix I and II (Resolution Conf. 9.24) and the criteria by which species are listed as Endangered, Critical, or Vulnerable in Red Data books were revised between 1992 and 1994 (IUCN, 1995) in order to give these criteria a more solid scientific foundation than was the case before. The limiting factor in implementing the criteria remains, notwithstanding some disagreement about their formulation.

In some ecosystems, like rain forests, it is difficult to count animals that are among the best recognized and researched in the wild, like the African elephant Loxodonta africana. It is debatable if an exact approximation of a pattern of change in their populations has yet been accomplished (Said, Craig, Thouless, Barnes, & Dublin, 1995). However, the majority of species have never been counted across all or a portion of their range. As a result, the criteria permit the use of a variety of different parameters, such as modifications to the range's area and its distribution (Resolution Conf. 9.24). Nevertheless, one issue with the most recent revision of the criteria is that the 1988 and 1996 listings that were produced cannot be used as indicators of change. Hence, between 1988 and 1996, there were some revisions in the listing of birds in various threat categories as a result of a genuinely worsening state. Similarly, other improvements in listing result from things including improved expertise, a unique listing method, and more (Lanchbery, 2006).

Lack of Resources and Capacity

One of the most significant challenges facing the implementation of CITES is the lack of resources and capacity in developing countries. These countries often lack the financial and technical resources to implement the provisions of the convention effectively. This includes the lack of trained personnel, equipment, and funding for enforcement activities. For example, in Africa, where the majority of wildlife trade occurs, many countries lack the capacity to monitor and enforce CITES regulations effectively (Sand, 2013).

Lack of CITES Compliance

Despite the CITES Parties' best efforts, IWT has spread widely. Some Parties have legitimately failed to implement the Convention because of capacity gaps, both historical and current, despite the confounding influence of corruption. In order to encourage compliance, CITES employs both carrots (such as help for capacity-building) and sticks (such as trade restrictions). The CITES Secretariat has only lately begun to deploy procedures to address major noncompliance issues reflected in high amounts of unlawful trade, despite the fact that these mechanisms, trade sanctions, in specific have been used (Sand, 2013). Sanctions may also be less frequently utilized due to geopolitical factors and economically significant bilateral interactions, which may increase the likelihood that Parties will avoid sanctions.

The possibility of abuse of the permission system is a problem. It is dependent on the Convention's Parties' proper compliance. Unfortunately, there have been documented instances of noncompliance when different States have issued permits inadvertently (EIA, 2018). The Conference of the Parties urged State Parties in Resolution 17.6 to make sure that organizations in charge of issuing licenses are outfitted with tools to spot and prevent fraud. The effectiveness of the permit system may also be negatively impacted by incomplete information on species trade and the impact of trade on wild population levels.

Some countries may lack the political will to enforce CITES regulations, particularly when these regulations conflict with their economic interests. For example, in Namibia, where trophy hunting is a significant source of income, there have been concerns about the lack of political will to enforce CITES regulations on the trade of endangered species.

Corruption and Illegal Trade

Corruption and illegal trade remain a significant challenge for the implementation of CITES. The illegal wildlife trade is worth billions of dollars, and criminal organizations often use corrupt officials to evade regulations and traffic endangered species. For example, in Indonesia, corruption in the forestry sector has been identified as a significant challenge to implementing CITES regulations (Callister, 1999).

The CITES system does not give much thought to the wellbeing of animals exchanged in accordance with its requirements. Despite the fact that many papers address welfare-related concerns, there are a lot of gaps in this field (and in international law more generally) (Bowman, Davies, & Redgwell, 2010). Below is more information about animal protection in international law.

Limited stakeholder engagement:

The success of CITES depends on the involvement of all stakeholders, including local communities, civil society organizations, and the private sector. However, the engagement of these stakeholders may be limited in some countries, making it difficult to implement CITES regulations effectively. For example, in Madagascar, where the illegal trade in precious woods is a significant problem, limited stakeholder engagement has been identified as a challenge to implementing CITES regulations.

Conclusion

Although the Convention controls international trade, there are numerous additional factors that contribute to the extinction of species. The Evil Quartet, which consists of habitat degradation and fragmentation, alien species introduction, overharvesting for domestic and international trade, and cycles of extinction, where one species on which another depends becomes extinct, is responsible for the majority of reported extinctions (Diamond 1989). Moreover, declining status may emerge from conservation strategies that are less effective locally than they are globally, such as insufficient funding for a certain protected area and weak local law enforcement. Nonetheless, national CITES Authorities should consider the effects of these other agents when deciding whether an export will be harmful to the existence of the species.

CHAPTER THREE

EFFECTIVENESS OF THE NATIONAL IVORY ACTION PLAN TOOL AS A MEASURE IN CONSERVING THE ELEPHANT SPECIES

Introduction

Elephants are the largest land mammals and play a crucial role in shaping the ecosystems they inhabit. However, the conservation of elephants has been challenging due to the poaching of elephants for their ivory, which is a highly valuable commodity in the international market. This has led to a significant decline in the elephant population, with some species being classified as endangered or critically endangered (‘t Sas-Rolfes, Challender, Hinsley, Veríssimo, & Milner-Gulland, 2019). Elephant populations in Eastern Africa were the greatest on the continent before 1970. Ivory poaching in East Africa's range ecosystem is at crisis levels, according to reports from the CITES monitoring agency MIKE, with Kenya and Tanzania recording the highest amounts (Chege, 2015). In this analysis, Kenya is significant as a transit state as well as a range state. Kenyan sea ports and airports are used to transport illegal ivory harvested in Kenya and abroad to a variety of locations, suggesting that corruption may be widespread or that there is little oversight at these exit ports.

The state's or the government's incapacity to curb the overexploitation of the illegal environment is a security problem (Nicimbikije, 2020). A developing phenomena dating back to the poaching wave that began around 2005 is the acknowledgment of poaching as a danger to national security. A sustained wave of poaching began in 2005, according to a report from the United Nations World Tourist Organization (UNWTO) for 2014. Also, at this time, China declared ivory carvings to be a "intangible cultural treasure" in 2006, legalizing the ivory trade in China. This sparked an increase in elephant poaching in Kenya and throughout Africa. The period was characterized by environmental securitizing players that view poaching as a security issue exhibited through the funding of terrorism and a source of income for organized crime groups (Haenlein & Smith, 2016). This conclusion spurred securitizing actors to launch campaigns to establish, justify, and raise awareness of the employment of unusual means to stop poaching.

The National Ivory Action Plan (NIAP) was created by the CITES to address this problem and assure the conservation of elephants. The goal of this chapter is to assess how well the NIAP tool works as a CITES compliance method for protecting the elephant species. To actively

address the Illegal Wildlife Trade (IWT), CITES has approved a number of measures, most of which are species-focused. Those chosen for elephants are the most well-known of these. They include the development of the ETIS and Monitoring Illegal Killing of Elephants (MIKE) systems, which were both introduced in 1997, as well as the NIAPs, which were both introduced in 2013. These specialized and pricey tools were made to help decision-makers and offer remedies for the illegal trade in elephant parts, particularly ivory (Bulte, Damania, & Van Kooten, 2007). Adoption of Decisions, resolutions, and short-term actions, informal provisions that impel or motivate Parties to take particular actions (e.g., significantly raise penalties and enforcement, decimate stockpiles of certain derivatives) to resolve illegal trade, are among the measures that have been incorporated for other species, largely on an as-needed basis. They also consist of setting up specialized task groups and sending political and technical missions to problematic nations.

Overview of CITES and the National Ivory Action Plan (NIAP)

Elephant poaching has become a major concern over the past few decades, with tens of thousands of elephants being killed each year for their ivory tusks. This has had a devastating impact on elephant populations, leading to a decline in their numbers in many parts of Africa and Asia. Moreover, the illegal ivory trade has been linked to organized crime, corruption, and even terrorism, making it a threat to national security (Bulte, Damania, & Van Kooten, 2007). To address this problem, CITES developed the NIAP tool in collaboration with its member states. The NIAP tool provides a step-by-step process for countries to develop and implement a comprehensive action plan to combat elephant poaching and the illegal ivory trade.

In 2013, CITES adopted the National Ivory Action Plan (NIAP) tool to combat the illegal trade in ivory and ensure the conservation of elephants. The development of the NIAP Tool was a collaborative effort between CITES and a range of other organizations, including the United Nations Office on Drugs and Crime (UNODC), the World Customs Organization (WCO), and the International Consortium on Combating Wildlife Crime (ICCWC). These organizations worked together to develop a set of best practices for combatting the illegal ivory trade and to create a tool that would enable countries to implement these practices in a coordinated and effective manner (Reeve, 2006).

The National Ivory Action Plan (NIAP) tool was developed in 2013 as a response to the growing global problem of elephant poaching and illegal ivory trade. The motivation behind

the tool was to provide a practical and effective way for countries to develop and implement action plans to address this issue (Conservation Action Trust, 2014). The NIAP tool is designed to be flexible and adaptable to the specific circumstances of each country, taking into account factors such as the size of the country, the scale of the problem, and the available resources. It provides guidance on key elements of an effective action plan, such as law enforcement, demand reduction, and community engagement.

One driving factor behind the NIAP tool is the recognition that elephant poaching and the illegal ivory trade are global problems that require a coordinated international response. The tool encourages countries to work together to share information and resources, and to collaborate on regional and international initiatives. Another motivation for the NIAP tool is the recognition that addressing elephant poaching and the illegal ivory trade requires a multi-sectoral approach (Chege, 2015). The tool encourages countries to engage a range of stakeholders, including law enforcement agencies, civil society organizations, the private sector, and local communities. This approach recognizes that addressing the problem requires not only law enforcement efforts but also community engagement, education, and awareness-raising.

The NIAP is a tool that requires countries to develop and implement a national action plan to address the illegal trade in ivory within their borders. The NIAP tool consists of 14 measures that countries must implement to combat the illegal trade in ivory (Environmental Investigation Agency, 2017). These measures include improving legislation and enforcement, raising public awareness, and destroying ivory stockpiles. The measures in the NIAPs are designed to address the entire illegal ivory trade chain. This includes measures to prevent poaching, trafficking, and demand for ivory. The measures also include improving the legal framework to ensure that the penalties for ivory trafficking are severe enough to deter poachers and traffickers.

A number of the CITES Convention's Member States use NIAPs, which are useful instruments, to improve their oversight of the ivory markets and trade and support them in thwarting the illegal ivory trade. The development of these NIAPs complies with the suggestions given by the CITES Standing Committee. Each Plan includes a list of the urgent activities that a CITES Party commits to implementing, including legislative, enforcement, and public awareness efforts, as well as specific implementation timelines and benchmarks (Sheikh & Corn, 2016). Each NIAP is different even though the Plans have a basic framework of tasks with deadlines and milestones. According to a Party's unique conditions, including its capacity-building needs,

resources available, the nature and extent of the illegal trade, and if the Party is a source, transit, or destination country for illegally obtained ivory, a Plan ought to determine the actions that have the top priority for that Party to help counter the illegal ivory trade.

NIAP was first created for eight Parties of “priority concern” namely; Thailand, Kenya, the Philippines, China, Uganda, Tanzania, Malaysia, and Vietnam) to reduce elephant poaching and ivory trade (CITES, 2021). The use of NIAPs was expanded in 2013 to include three Parties (Angola, Cambodia, and the Lao People's Democratic Republic) and an additional eight Parties of "secondary concern" (the Democratic Republic of the Congo, Mozambique, Ethiopia, Gabon, Cameroon, the Republic of the Congo, Egypt, and Nigeria).

The Impact of the Illegal Ivory Trade on Elephant Conservation

Elephant populations have been severely impacted by the illegal ivory trade. Elephants are stolen to obtain their ivory tusks, which are high in demand on the world market. Ivory is used to make various products, including jewelry, ornaments, and carvings. The illegal ivory trade has led to a significant decline in the elephant population, with some species being classified as endangered or critically endangered.

Population Decline

Elephant numbers have significantly decreased as a result of the illegal ivory trade. The Wildlife Conservation Organization estimates that 96 elephants are slaughtered by poachers each day to satisfy the market for ivory (Jones, 2015). The African Elephant Specialist Group believes there were approximately 1.3 million elephants living in an area of 7.3 square kilometers in 1976. But, after 11 years, the population of elephants plummeted to 760,000, and the two years prior to that, it also decreased to 608,000 (Stiles, 2004). African elephant numbers declined by 30% between 2007 and 2014 with an approximate 20,000 elephants being murdered annually for their ivory tusks (WWF, 2018). The decline has really been worse in some places. For instance, between 2009 and 2014 elephant numbers in Tanzania decreased by 60% (CITES, 2021).

Moreover, the African elephant population has declined by approximately 111,000 over the past ten years due to poaching for ivory (CITES, 2021). The forest elephant, which is found in central and West Africa, has experienced a 86% decline in population over the past 31 years, with only around 415,000 individuals remaining (WWF, 2018). The decline in the elephant

population not only affects the survival of the species but also has a significant impact on the ecosystems they inhabit. Elephants play a crucial role in shaping the savannah and forest ecosystems by dispersing seeds, creating waterholes, and maintaining grasslands.

Loss of Genetic Diversity

The illegal ivory trade has also led to a loss of genetic diversity among elephant populations. Because poachers often target the largest and oldest elephants, the gene pool of elephant populations is becoming more limited. According to a study published in the journal PLOS ONE, the illegal ivory trade is responsible for a 50% decline in the genetic diversity of African forest elephants over the past century (Bourgeois, 2018).

Decline of Plant Species.

African elephants are among the most efficient seed dispersers, spreading as many as 346 seeds per square kilometer every day in Ndoki (Campos-Arceiz & Blake, 2011). A small number of specialized plant species are either not disseminated at all or are dispersed very poorly as a result of the local decline or elimination of the elephant population. For instance, Malvaceae (33 species), Fabaceae (52 species), and Sapotaceae (30 species) will be poorly scattered if elephants vanish. These plant species rely on elephants to be dispersed. In addition, it results in the dispersal of numerous plant species over longer or smaller distances. This suggests that the ecosystem would be in greater danger and that the distribution of a large number of plant species would change as a result (Campos-Arceiz & Blake, 2011). Conversely, if the future of elephants is in jeopardy, human population would also be at significant risk because trees are essential in avoiding soil erosion, which can wipe out an entire population of people as it impacts agricultural activity.

Disruption of Ecosystems

The illegal ivory trade has had a devastating impact on elephant conservation, with elephant populations declining rapidly in many parts of the world. In this section, we will analyze the impact of the illegal ivory trade on elephant conservation and provide recent in-text citations to support our analysis. The decline in elephant populations due to the illegal ivory trade has also had a significant impact on ecosystems. Elephants play a key role in shaping their habitats by creating clearings in forests, spreading seeds, and maintaining the balance of grasslands. Without elephants, these ecosystems can become degraded and less resilient to environmental

stresses. According to a study published in the journal Ecology Letters, the loss of elephants due to poaching is likely to lead to significant changes in the structure and function of African savannas (Campos-Arceiz & Blake, 2011).

Threat to Local Economies

The illegal ivory trade also poses a threat to local economies that rely on ecotourism. Many countries in Africa have developed wildlife-based tourism as a source of income, and elephants are often a key attraction. The decline in elephant populations due to poaching can lead to a decline in tourist numbers, which can have a significant impact on the local economy. According to a report by the United Nations, the illegal ivory trade is estimated to cost African countries $25 million in lost tourism revenue each year (UN, 2019).

The effectiveness of the National Ivory Action Plan (NIAP) tool

Several countries have developed and implemented NIAPs, and there is evidence that these plans have had a positive impact on elephant conservation. China was one of the biggest markets for illegal ivory, and the government implemented a NIAP in 2017 to address the problem. The NIAP included measures such as a ban on the ivory trade, increased penalties for ivory trafficking, and public education campaigns. The NIAP has been effective in reducing the demand for ivory in China. The Wildlife Conservation Society reported that since the prohibition went into effect, the cost of raw ivory in China has dropped by 50%, and there are now only three as opposed to 34 manufacturers and retail stores that carve ivory (Nicimbikije, 2020)

Hong Kong's NIAP was developed in 2013. The NIAP included measures such as a ban on the ivory trade, increased penalties for ivory trafficking, and public education campaigns. In 2018, Hong Kong passed new legislation that raised the maximum fine and sentence for an indictment from HK$5,000,000 and two years to HK$10,000,000 and ten years. As of August 1, 2018, reexports and imports of pre-convention ivory were prohibited. As seen by the rise in ivory seizures, Hong Kong has also enhanced detection controls and intensified its focus on aviation cargo and passengers (EIA, 2018). The NIAP has been effective in reducing the demand for ivory in Hong Kong. According to a report by the Hong Kong government, the volume of ivory seized by customs authorities has declined by 90% since the NIAP was implemented .

With WCS estimating in 2013 a staggering loss of 11,000 forest elephants attributed to poaching since 2004, Gabon is habitat to slightly over half of the remaining forest elephant populations around the globe. The organization in charge of managing national parks, Agence Nationale des Parcs Nationaux (ANPN), has reported a rise in poaching in recent years, with neighboring country invasions constituting a serious threat to ANPN's resources. After joining the EPI in 2014, Gabon quickly published its NIAP for Gabon, which outlined five areas of emphasis for the country's efforts to combat elephant poaching, human trafficking, and corruption.

Nigeria has been assigned to Category A by CITES, which includes Parties that are most impacted by the illegal ivory trade. Nigeria created a NIAP in 2015, which was amended in 2020, and in 2018, Nigeria joined the Elephant Protection Initiative (EPI) (Federal Ministry of Environment and Department of Forestry, 2017) Successes include identifying important populations and the absence of elephant poaching reports in the Yankari population since 2015. The local ivory market has not been closed by legislation or regulations, and despite considerable seizures, there have only been a small number of successful convictions of ivory traders. These and other important performance indicators, however, demonstrate no progress (Jayanathan, 2021).

Tanzania was implicated in more significant ivory traffic incidents than any other nation, according to an EIA assessment published in 2014. Nonetheless, Tanzania has been working with the NCTISU and the PAMS Foundation to pursue crimes under the country's current laws, and a number of high-profile arrests have occurred recently. In 2015, the NTSCIU was in charge of 803 arrests, and 233 suspects were later found guilty, assessed fines, or given sentences (Jayanath, 2016). There is clearly a specific intent to strengthen inter-agency cooperation and dialogue as evidenced by the June 2015 establishment of a Multi-Agency Task Team headed by the Tanzanian police force and including the Tanzania Forest Services, the Fisheries Division, the Wildlife Division, and the Tanzania Intelligence and Security Services. However, specific outcomes are not known at the time of writing. Tanzania is ranked 117th out of 168 countries for least amount of corruption, with a score of 30 out of 100, according to Transparency International. The former president Magufuli has been viewed as taking a firm stance against corruption since his appointment in November 2015. In December 2015, he fired the director-general of the Tanzania Ports Authority and the head of Tanzania's anti-corruption agency.Tanzania adopted a NIAP in 2015, which included measures such as improving

enforcement, increasing penalties for ivory trafficking, and destroying ivory stockpiles. Uganda adopted a NIAP in 2015, which included measures such as improving enforcement, increasing penalties for ivory trafficking, and raising public awareness. The effectiveness of the NIAP in Uganda has been mixed. Uganda reports that taking part in the NIAP process has been beneficial since it has prompted important government figures to acknowledge the significance of combating the illegal ivory trade and increased awareness of the issue nationwide (EIA, 2018).

Kenya was one of the first countries to adopt a NIAP in 2014. The NIAP included measures such as increasing penalties for ivory trafficking, improving enforcement, and raising public awareness. Given Kenya's significant tourism economy, the ETIS report to CoP17 stated that the local trade in ivory curios had been actively suppressed. According to the Report, Kenya, Tanzania, and Uganda "seem to have met with improved success in interdicting large-scale transfers of ivory prior to shipment overseas" since 2013 (EIA, Taking Stock: An assessment of progress under the National Ivory Action Plan process, 2018). The report observed that some seizures and extraditions from Tanzania to Kenya and from China to Kenya had led to arrests, illustrating successful regional and global cooperation between law enforcement authorities.

Issues Limiting the NIAP Process

The NIAP procedure is still developing. As a result, chances for learning and making improvements still exist, and flaws are continually being found. Although the NIAP Guidelines represent a significant advancement, they have not yet been fully put into practice. The process still depends on self-assessment progress reports submitted by Parties, without independent review, despite the fact that the NIAP Guidelines explicitly promote assessment of progress by independent experts (CITES Secretariat, 2018). These progress reports might not accurately depict the main difficulties the NIAP Party in question is facing. The involvement of independent experts must be required in order to evaluate how well the NIAP objectives are being met.

Similar to this, significant doubts have been expressed over the ability of some NIAPs to deal with the issues at hand. Thus, it is crucial that impartial specialists take part in the creation of the NIAP as well as the progress evaluation. In the end, it should be decided if a country should leave the NIAP process by independent specialists. While the current NIAP Guidelines do require contact with impartial experts, essential changes to the NIAP Guidelines must be made

at CoP18 to ensure that expert analysis is included as a required step in the NIAP process rather than as an extra (‘t Sas-Rolfes, Challender, Hinsley, Veríssimo, & Milner-Gulland, 2019). During the time a NIAP is in effect, a country's fundamental problems may change. If that occurs, the SC should be able to collaborate with the Party to update its NIAP to take into account the new situation rather than having to wait until the NIAP time has ended to ask for the creation of a new NIAP.

The NIAP procedure raises serious concerns since it places more emphasis on tracking NIAP Parties' actions than on impact. Instead of evaluating their actual impact in solving the problems, parties frequently concentrate on obtaining a particular proportion of the NIAP objectives. The Party may contend that it should end the process once a specific portion of the NIAP goals has been accomplished (Jayanathan, 2021). That would be too soon. There should be an evaluation phase with thorough input from outside experts to determine if the taken actions have really made any difference to the underlying issues before the SC determines that any Party should depart the NIAP process. If not, the NIAP has to be updated. For instance, it would be premature for a country to leave the NIAP process if it had implemented legal reforms without demonstrating the effects of those changes, such as more prosecutions and the dismantling of organized criminal networks linked to ivory trafficking.

Self-Reporting Mechanism Tool under the National Ivory Action Plan

CITES relies on reports from member nations at Conference of the Parties meetings because it lacks a defined method to assess compliance (Reeve, 2006). The self-reporting mechanism tool under the National Ivory Action Plan (NIAP) is designed to encourage compliance with Resolution Conf. 10.10 (Rev CoP18), which outlines measures for regulating trade in elephant ivory. However, it is unclear whether this tool is sufficient to enforce compliance, as there are several challenges associated with self-reporting mechanisms. In this section, we will examine the effectiveness of the self-reporting mechanism tool under the NIAP in enforcing compliance with Resolution Conf. 10.10 (Rev CoP18).

CITES, one of the first MEAs to include an information system, mostly relies on party self-reporting to gather data on levels of trade, treaty implementation, and infractions. Two distinct reporting requirements exist. Parties are required to provide yearly reports on CITES trade as well as biannual reports on the administrative, judicial, and legislative actions taken to uphold the Convention, together known as implementation reporting. Several species-specific

reporting requirements also exist. The comprehensive CITES trade database is kept by the UNEP-WCMC, which also provides assistance to parties in the preparation of yearly reports, conducts studies of trade data, and is a key player in the development of the Convention's reporting system (Bowman, 2013).

The self-reporting mechanism tool under the NIAP is intended to encourage compliance with Resolution Conf. 10.10 (Rev CoP18) by requiring countries to provide regular reports on their efforts to combat illegal ivory trade. The tool provides a framework for reporting on activities such as law enforcement, demand reduction, and international cooperation. Countries are required to submit reports on a regular basis, and the reports are reviewed by the Standing Committee of CITES. For instance, according to the ETIS report to CoP17, reporting of seizure data has improved in Nigeria, with data being supplied on a regular basis for the first time (Environmental Investigation Agency, 2017).

Limitations of Self-Reporting Mechanisms

While the self-reporting mechanism tool under the NIAP is a step in the right direction, its effectiveness in enforcing compliance with Resolution Conf. 10.10 (Rev CoP18) is unclear. The reliance on self-reporting leaves room for countries to manipulate or misrepresent their efforts to combat illegal ivory trade. Additionally, the reports may not provide a complete picture of the situation in a country, as they may not capture all instances of illegal ivory trade or may omit details about challenges faced by law enforcement agencies. This is particularly relevant in countries where governance is weak, corruption is prevalent, and law enforcement agencies are under-resourced. For example, although Cameroon sees a lot of ivory seizures, the CITES Management Authority only sometimes reports them to CITES. The World Customs Organization, as part of the yearly data exchange with ETIS, or the NGO community involved in cooperative law enforcement actions, such as the WWF and the Eagle Network, LAGA, have reported the majority of seizures for Cameroon in recent years (EIA, 2018).

Similarly, a report by (EIA, 2018) found that cases of elephant product seizure are infrequently reported to ETIS by the Congolese and DRC CITES Management Authorities in Gabon and the DRC. The NGO community involved in cooperative law enforcement efforts has reported the majority of seizure instances for Congo and the DRC in recent years. Furthermore, South Africa was considered a Party of Primary Concern in the ETIS analysis for CoP16 but was

downgraded to a Party of Secondary Concern in the ETIS assessment for CoP17 because it had not been connected to any significant ivory seizures since 2012.

Furthermore, the reports are not independently verified, which means that there is a risk that inaccurate or incomplete information is submitted. This can lead to a lack of transparency and accountability, which undermines the effectiveness of the tool. Moreover, some countries make late reporting. For instance, China typically provides ivory seizure data to ETIS after it has been delayed, and with very few exclusions, only reports customs data, despite the fact that provincial law enforcement authorities seize a sizable amount of elephant products. The official figures, which over the previous five years have indicated a decreasing number of cases, have been supplemented by a number of these latter cases that have been validated and recorded into ETIS, raising questions about the accuracy of the data provided by China (EIA, Taking Stock: An assessment of progress under the National Ivory Action Plan process, 2018). China has not complied with its reporting duties by providing the CITES Secretariat with regular and complete NIAP progress updates (only two reports have been submitted, for SC66 and SC67).

Biennial implementation reporting is all but dead, while poor annual reporting by parties whether through inability to provide trade data or through the submission of erroneous data—has long been a concern. Yet over the past years, annual reporting has significantly improved due to the application of trade restrictions. Consensus was reached at CoP11 in 2000 due to a persistent drop in the reporting of trade data, and it was decided that parties who failed to submit annual reports for three straight years would be recommended to have their trade in CITES-listed species suspended as of 1 January 2001. This action was unique and unexpected. Prior attempts to implement similar consequences for failing to comply with reporting obligations had been deemed ineffective and disproportionate to the issue. Following CoP12, a proposed trade suspension has been imposed on four additional parties (Mauritania, Algeria, Guinea-Bissau, and the Central African Republic (CAR)) for failing to disclose trade data for three consecutive years (Reeve, 2004).

Conclusion

While the self-reporting mechanism tool under the NIAP is a positive step towards encouraging compliance with Resolution Conf. 10.10 (Rev CoP18), it is unclear whether the tool is sufficient to enforce compliance. Self-reporting mechanisms have several limitations, and reliance on such mechanisms may not be effective in regulating trade in elephant ivory. It is

important to supplement self-reporting with other measures, such as independent monitoring and verification, to ensure that countries are taking effective measures to combat illegal ivory trade. By doing so, we can increase the effectiveness of the NIAP and work towards the conservation of the elephant species.

CHAPTER FOUR

RESEARCH QUESTION

The research questions were generated to obtain answers to support the objective of the research project. The research questions outlined below form the core of the research project and aided in keeping the study focused and determining the most appropriate methodology.

The purpose of the study was to evaluate the effectiveness of CITES species-specific measures such as the national ivory action plans process and the national rhino horn action plans in conserving species of concern and identifying if similar species-specific measures can be applied to listed species of concern to mitigate the extinction due to unsustainable off-take.

Research questions

The study was guided by the following research questions:

i. Our CITES species specific measures are effective in conserving listed species of concern?
ii. Is the national ivory action plan tool an effective CITES compliance measure in conserving the elephant species?
iii. Is the self-reporting mechanism tool under the national ivory action plan sufficient in enforcing compliance in relation to resolution Conf. 10.10 (Rev Cop18)
iv. Can the national action plans process be used similarly to other listed species of concern?

Data collection

The study employed a combination of questionnaires and interviews to collect data. Specifically, expert interviews were conducted with 15 individuals who hold key roles in law enforcement and CITES management authorities. The selection of these individuals was based on their professional expertise and involvement in implementing CITES provisions, particularly in the development and implementation of national plans for ivory and rhino horn, as well as wildlife law enforcement.

The interviews were conducted both in-person and online between December 2022 and March 2023. The questions were pre-determined and consisted of open and closed-ended answers. The experts were drawn from a range of backgrounds, including CITES management and scientific authorities, non-governmental organizations, and law enforcement officers, including customs officers. The aim of the selection was to gather diverse perspectives and insights on

the efficacy of CITES compliance measures and their impact on the conservation of endangered species.

Each interviewee was briefed on the purpose of the study and were also informed that their participation was voluntary and would not incur any benefits or penalties from the organization as a result of the information provided as it was anonymously presented all participants agreed to take part in the study. Each person was asked a series of 29 questions and the interviews lasted an estimated 30 minutes on average and were recorded using handwritten notes and digital recording devices.

The structured questionnaire was designed to gather information on specific aspects of the effectiveness of CITES in conserving listed species of concern as well as the role of national action plans in conserving specific species of concern such as elephant and rhino to determine the effectiveness of the convention, the challenges in implementing national action plans as well as determining if other species of concern such as vaquita could be conserved using similar tools.

Data Type

The data type collected is presented on Table 1 below.

Table 3: Data Type Collected

Data Type	Number of questions
CITES knowledge	5
Implementation procedures	7
Knowledge of National Action Plans	10
Improving implementation	7

Data Analysis

The questionnaire used to conduct the interview provided qualitative data that was then coded and qualitatively and quantitatively analyzed. The research therefore required both types of analysis of data.

Quantitative Analysis

The qualitative analysis involved reviewing common themes based on the interview questions posed to the expert personnel and the interview summaries. Prior to the interview conversations were held with each expert from the CITES management and scientific authorities law enforcement agencies customs and non-governmental agencies to get insight into their rules and functions in the implementation of CITES and national action plans.

A short introduction was done by the interviewer on the role of sites in enhancing global cooperation among governments and other conservation organizations and stakeholders to protect endangered species from overexploitation and illegal trade. The interviewer also give a brief description on the important tools being reviewed brackets national ivory action plan and the national rhino action plans to implement measures to address illegal trade in ivory and rhino horn including measures to improve law enforcement reduce consumer demand and engage local communities in conservation efforts. Each question was asked and a digital record maintained.

Profile of the Respondents

For the expert interviews there were a total of 15 experts who are asked to respond to 29 structured questions. The experts were drawn from CITES management and scientific authorities, law enforcement agencies, customs officers, and non-governmental agencies.

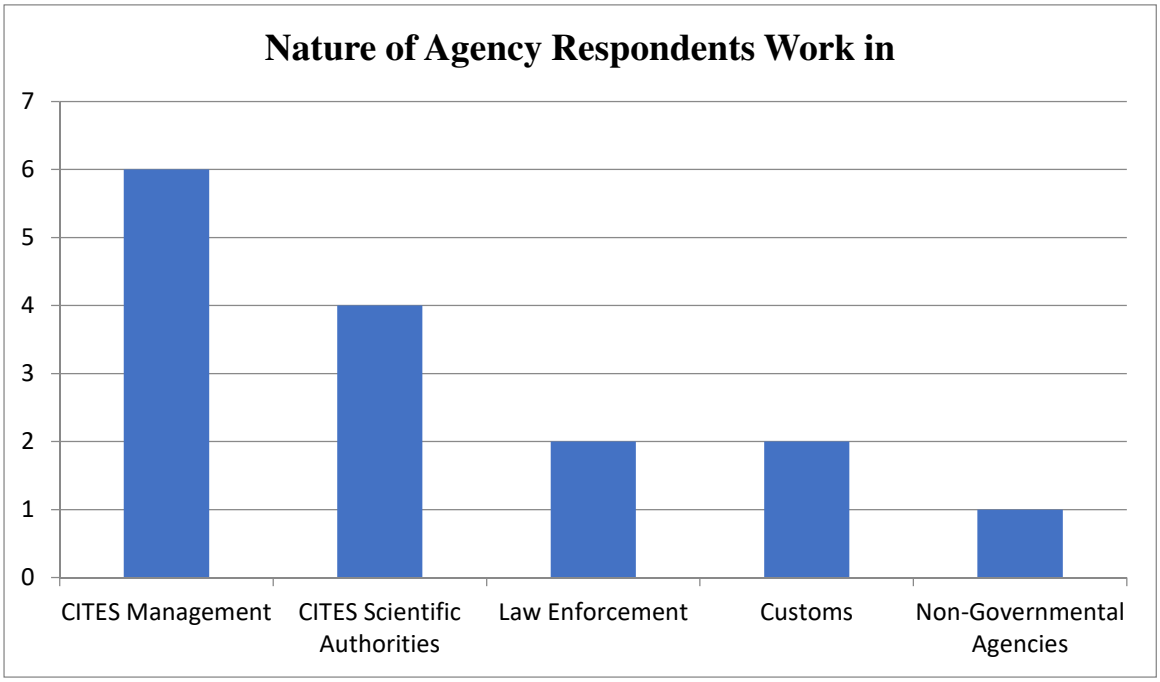

Figure 22: Representation of the Respondents Interviewed

The greatest number of interviewees came from management authorities as they are in charge of permitting and reporting which is a critical role in CITES processes and the national action plans process.

During the study, it was learned that Customs Officers play a role in not only the implementation of CITES in monitoring trade but also play a critical role in implementing national ivory action plans developed by countries to combat illegal trade of ivory. Custom officers work with other law enforcement agencies such as wildlife authorities to share information and coordinate efforts to combat illegal ivory trade and specialized training on identifying and detecting ivory and other wildlife products is necessary for these officers.

Working Duration

The researcher collected data on the working duration of the respondents. This was critical in accessing the reliability of the data shared by the respondents. The duration of work of the interviewees is presented on Table 4.1 below.

Table 4: Working Duration of the Interviewees

Years	**No.**	**Percentage**
1-5 years	1	6.7%
6-10 years	5	33.3%
11-15 years	5	33.3%
16-20 years	3	20%
Over 20 years	1	6.7%
Total	**15**	**100%**

Table 2 above shows that the majority of the respondents (60%) hard worked in their respective sectors for over 10 years. This shows that the respondents based on their length of experience in their respective fields possessed the necessary information to contribute to the current study.

Results

Knowledge and Use of CITES

A total of 5 direct questions were asked about society's knowledge as well as the rule of CITES in preventing the overexploitation of wild species as well as determining whether CITES places the same emphasis on the conservation of all species of concern. A total of 90% of the respondents have some knowledge of CITES and use the Convention in the day-to-day activities of their role. The findings of this finding is presented on Figure 2.

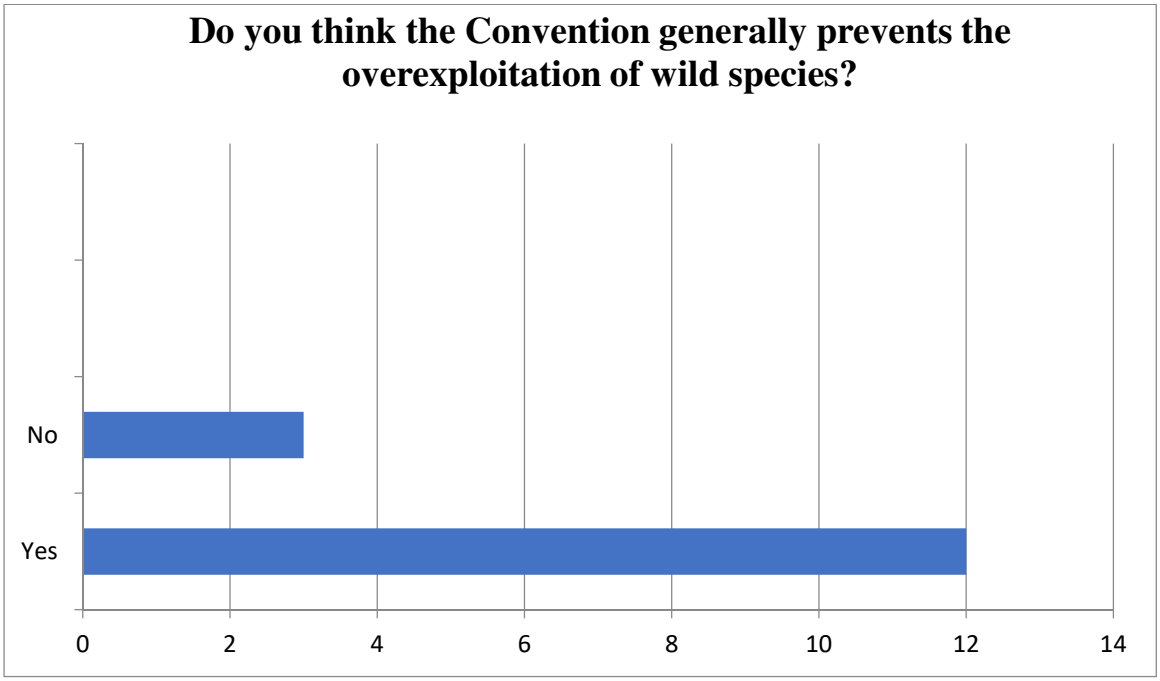

Figure 23: Bar chart showing the Response on the use of the Convention in Preventing Overexploitation of Wild Species

Figure 2 above shows that the respondents agreed that CITES has been critical in preventing the overexploitation of wild species. This lays emphasis on the importance of establishing legal regulations and policies in protecting endangered species to ensure their sustainability.

CITES Implementation Procedures

The researcher also sought to determine whether CITES places the same emphasis on conservation of all species. Figure 3 below represents the findings.

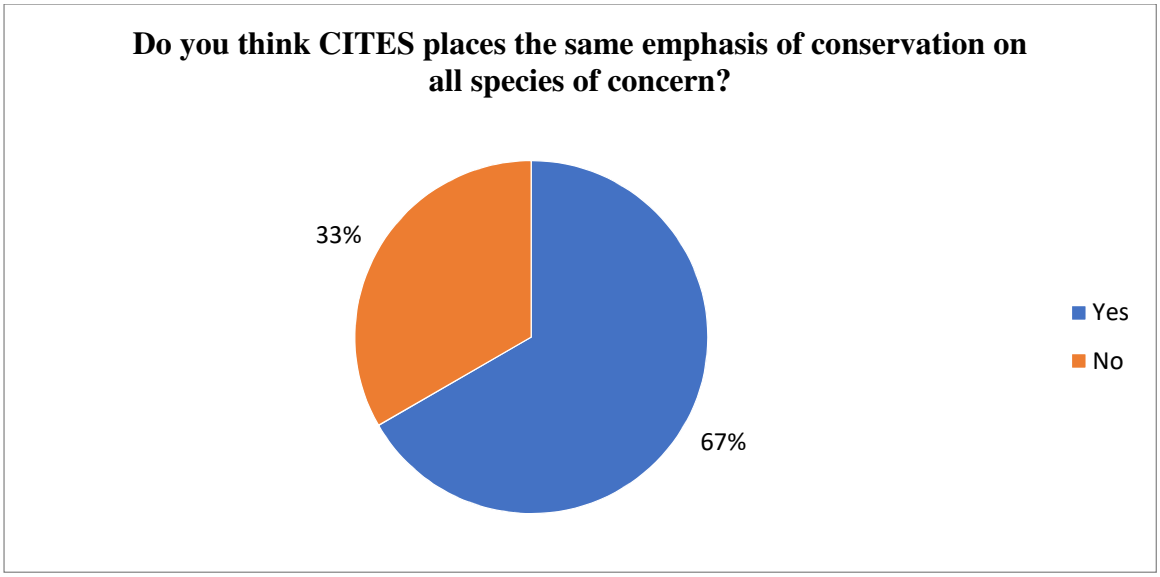

Figure 24: Pie Chart showing the Response on the Emphasis of CITES on all Species of Concern

Figure 3 shows that ten (67%) respondents agreed that CITES places the same emphasis on the conservation on all species of concern. According to the respondents, the convention has pushed for the conservation of all species listed under its appendices.

The respondents were asked to indicate whether CITES would be more effective if an incentive for compliance and implementation was given. The response is recorded in Figure 4 below.

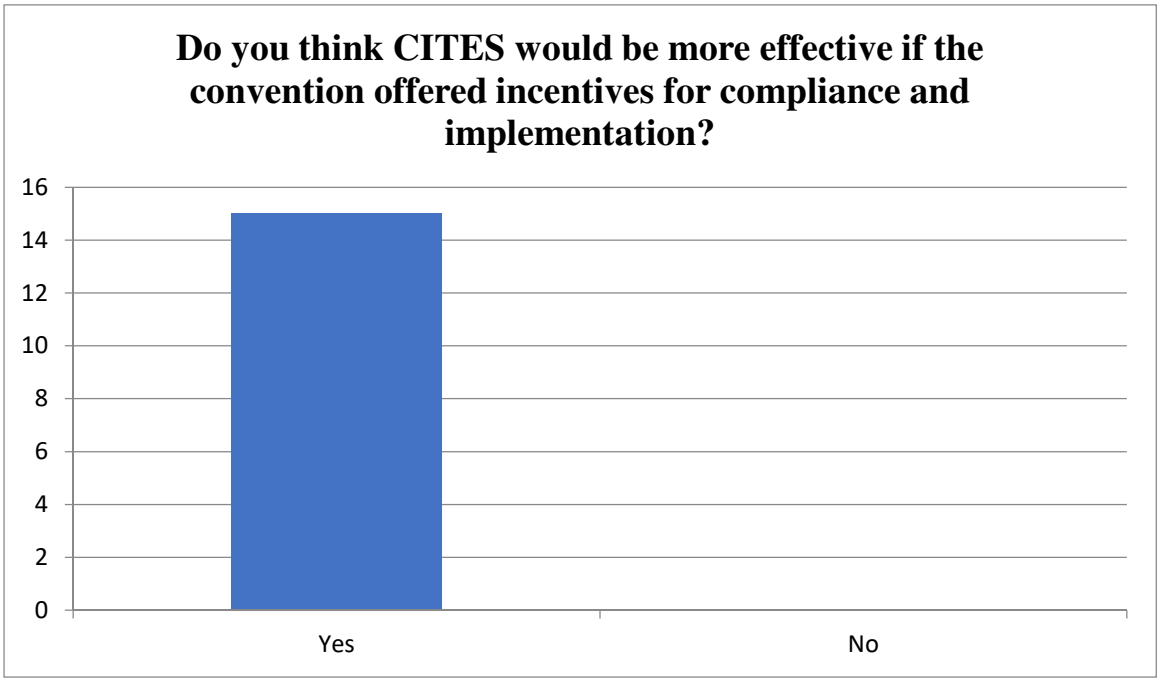

Figure 25: Bar Chart Showing Response on the Effectiveness of CITES if Incentives were Offered

The data presented on Figure 4 shows that all the 15 respondents agreed that the implementation of CITES would be more effective if incentives were offered. This is based on the fact that to comply and implement CITES financial investment is required. However, this may be a challenge, especially in developing countries that may lack the financial muscle to effectively comply with Cites. Therefore, based on the findings recorded, it is evident that offering incentives especially to developing countries would improve the implementation and compliance of CITES.

To further understand the implementation of CITES, the respondents were asked whether the national legislation effectively implements the convention. This question was relevant to the study, since the successful implementation of CITES largely depends on a state's ability to put in place laws and policies that drive compliance. The responses to the question is presented on Figure 5 below.

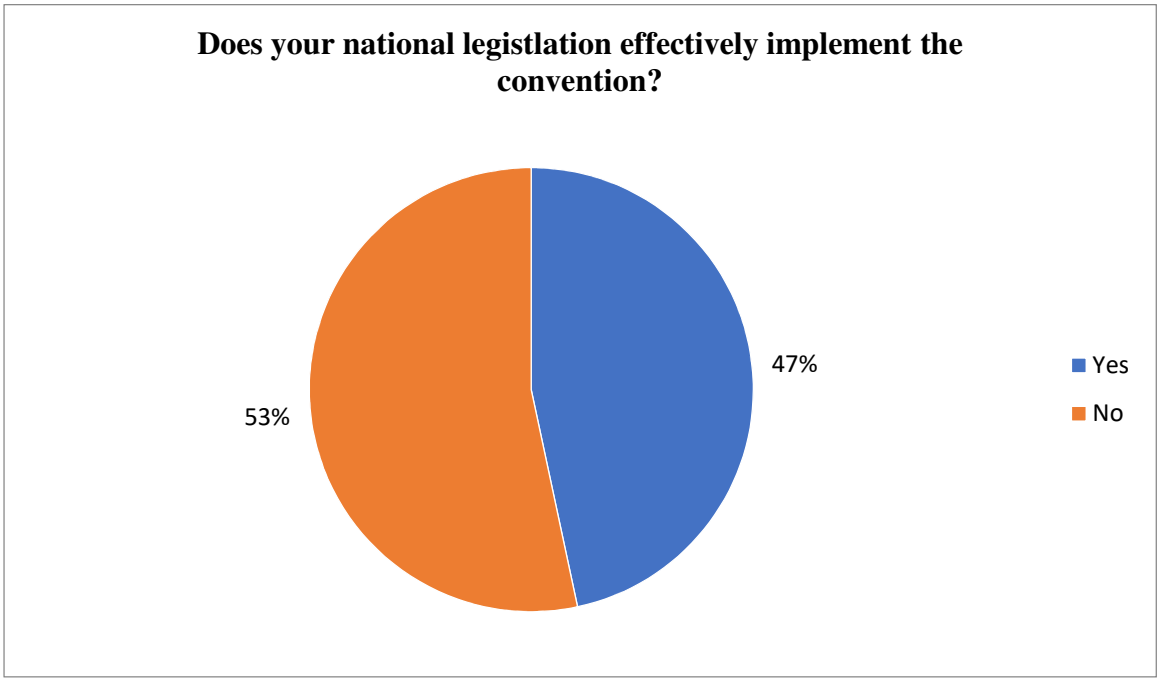

Figure 26: Pie Chart Showing Response on National Legislation Supporting the Implementation of the Convention

Figure 5 shows mixed findings with seven (47%) respondents indicating that the national legislation supports the implementation of the convention while eight (53%) of the respondents indicated that national legislation does not support facilitate the effective implementation of CITES. In Kenya, there are legal structures that have been put in place such as the Wildlife Conservation and Management Act of 2013, which provides for the conservation and management of wildlife resources. However, based on the findings recorded, the national

legislation has not been effective in the implementation of CITES. This shows that the national legislations that ought to facilitate compliance with CITES are only good on paper, with the implementation phase missing.

CITES resolution 9.24 outlines the criteria that must be considered when determining whether a species should be included in one of the three CITES appendices. With reference to this, the researcher sought to determine whether other factors such as economic and social factors ought to be considered when listing species of concern. The findings are presented below on Figure 6.

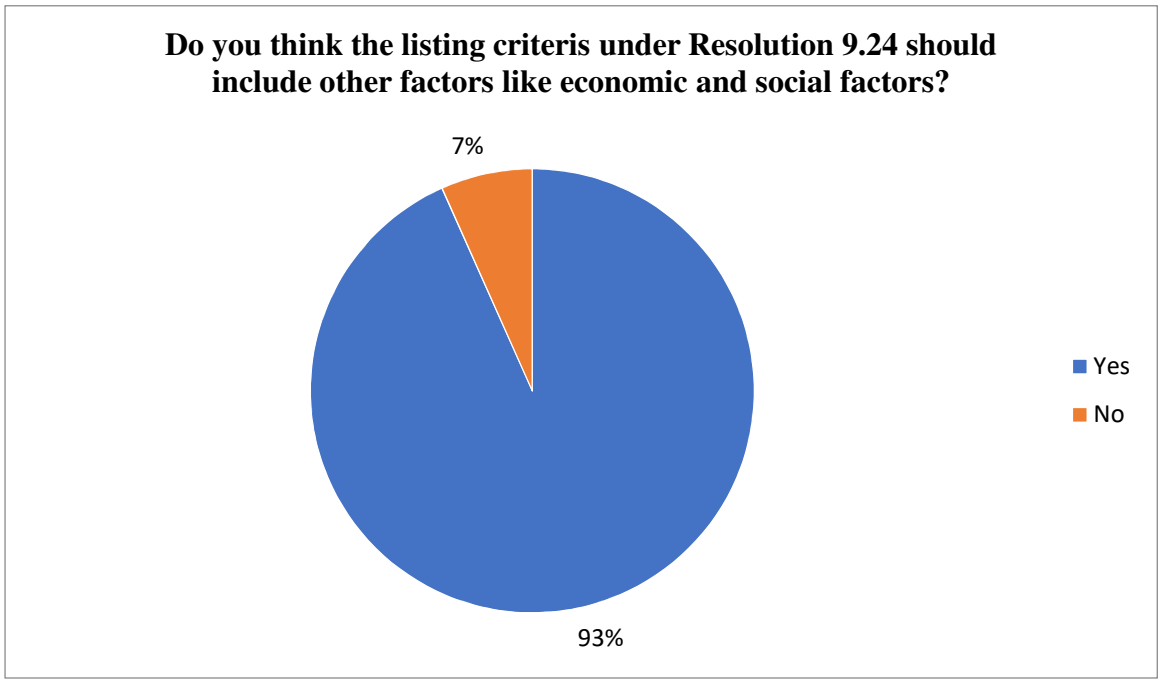

Figure 27: Pie Chart Showing Response on the Consideration of Economic and Social Factors under Resolution 9.24

According to the results presented above on Figure 6, majority of the respondents (93%) indicated that the economic and social factors ought to be considered when listing species of concern. This response may have been attributed to the fact that relying on biological factors is essential since it directly impacts the capacity of specific species to be listed in the three appendices. However, other factors such as economic factors and social factors also indirectly influence the listing of different species.

The respondents were asked whether the CITES regulations have been adequately enforced in their countries. The enforcement of CITES regulations is essential since it helps in attaining compliance and implementation. The results are presented on Figure 7 below.

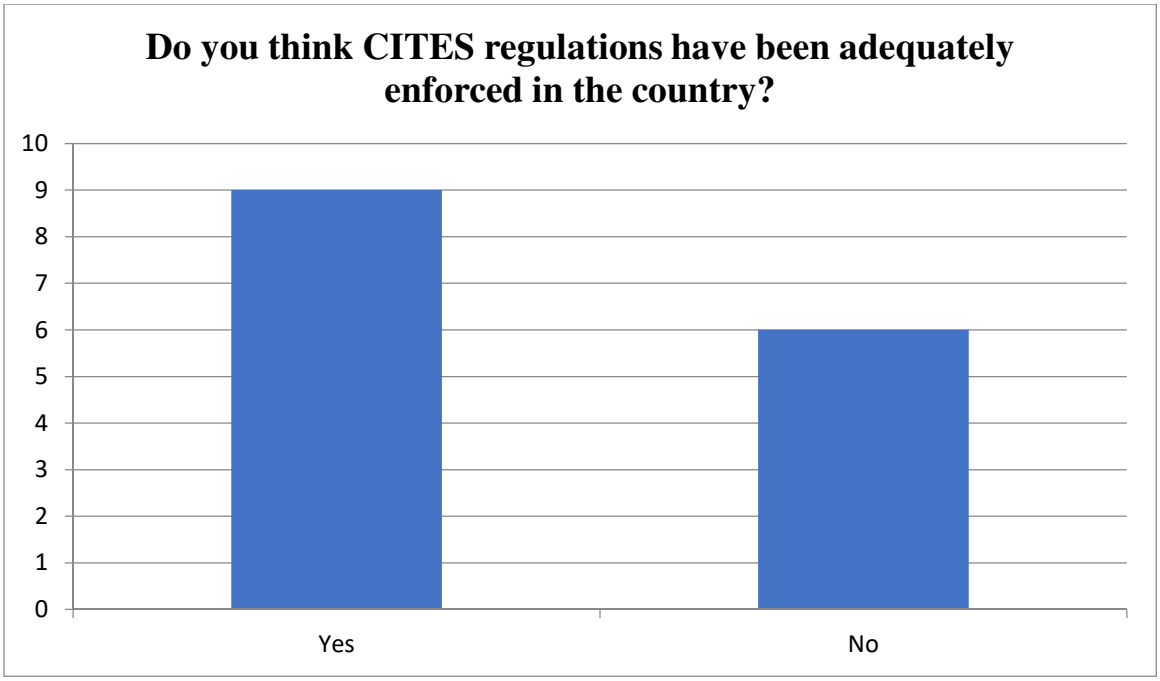

Figure 28: Bar Chart Showing Response to the Enforcement of CITES Regulations

According to Figure 7, nine of the respondents agreed that CITES regulations in their country were sufficiently enforced while six of the respondents opposed the statement. The Respondents were from countries that were signatories of CITES, therefore, it is expected that it follows through with enforcing CITES regulations.

Additionally, the researcher sought to enquire whether the CITES policies affected the conservation of species listed under the convention in their countries. The findings are presented in Figure 8 below.

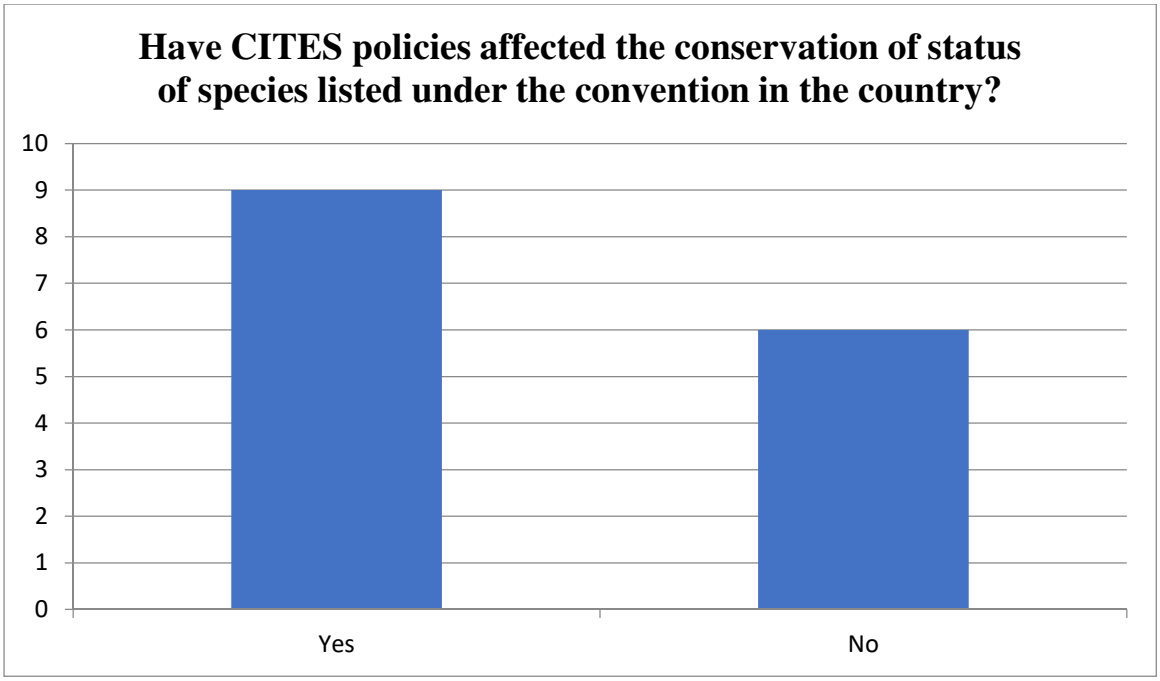

Figure 29: Bar Chart Showing Response on the Effect of CITES Policies on Conservation Statues of Species Listed Under the Convention

The findings are indicated on Figure 8 show that nine of the respondents agreed that the CITES policies have affected the conservation status of listed species. This is an indication that countries have put in the work to ensure its compliance to the CITES policies.

The respondents were asked to indicate whether stakeholder participation was considered in the creation and implementation of CITES policies. Figure 9 below shows the responses gathered

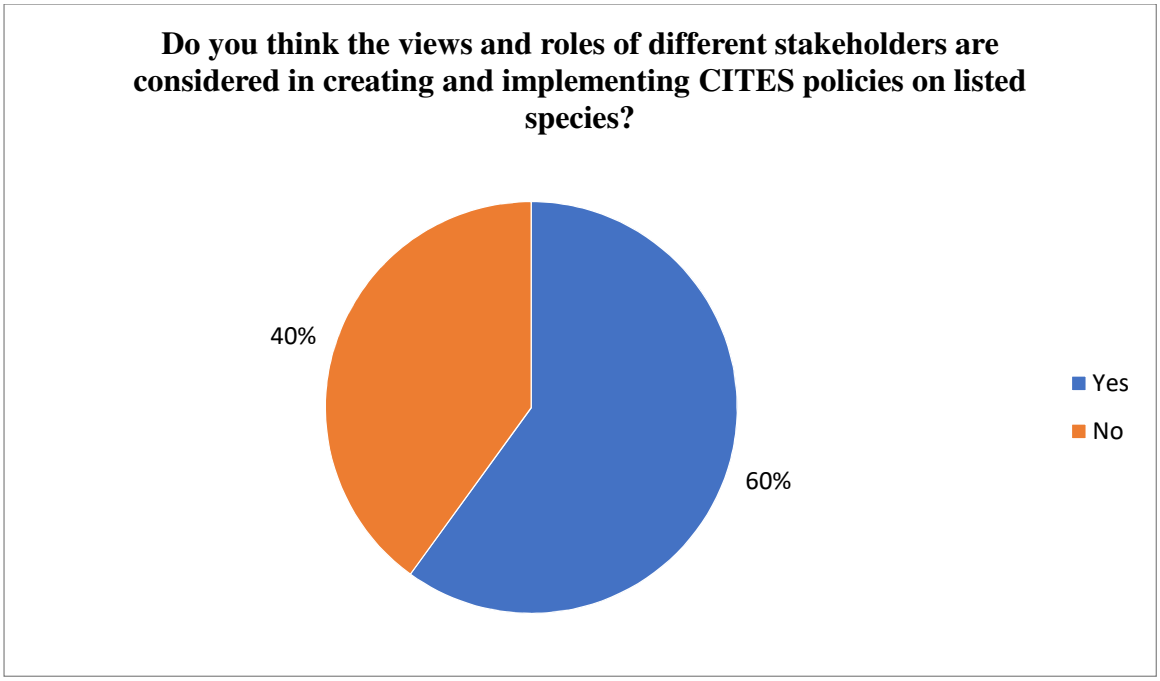

Figure 30: Pie Chart Showing Response on Stakeholder participation in Creating and Implementing CITES policies

Figure 9 shows that nine (60%) of the respondents agreed that stakeholder participation was allowed in the formulation and implementation of CITES policies on listed species. This is attributed to the acknowledgement that through the involvement of different stakeholders, a wide range of information is shared that can help ensure the protection and conservation of listed species.

The study also aimed to identify the challenges faced by countries in implementing CITES regulations. Based on the data gathered, 14 of the respondents agreed that the implementation of CITES faces unique challenges that hinder effective conservation of endangered species. One of the significant challenges identified by the interviewees is a lack of support from other enforcement agencies. Despite the commitment to implementing CITES, other enforcement agencies such as the police do not provide adequate support due to competing priorities. The interviewees noted that this lack of support has resulted in limited resources and funding, making it difficult for CITES implementation to be effective. It also leads to a lack of collaboration and coordination between different agencies, making it easier for smugglers and poachers to engage in illegal wildlife trade. The lack of support from other enforcement agencies has also led to weak enforcement of CITES regulations. The officials are not adequately trained to recognize the different species of animals and plants and how to detect

their illegal trade. As a result, poachers and smugglers can easily bypass the system and continue their illicit trade.

Moreover, the interviewees added that the lack of support is especially evident due to poor collaboration with customs officials. This is particularly important given the country's position as a transit hub for the illegal wildlife trade. Strengthening collaboration and providing adequate training and resources for customs officials is crucial to curb the illegal trade of endangered species. The interviewees explained that the lack of coordination between customs officials and other agencies involved in wildlife conservation makes it difficult to share information and intelligence on illegal wildlife trade, making it harder to track and intercept smugglers. Moreover, this inadequate collaboration leads to weak penalties and punishments for those engaged in illegal wildlife trade. For instance, in some cases, smugglers are let off the hook with just a fine or a few months in prison, which does not serve as a deterrent to others.

Another challenge identified by the interviewees was the difficulty in identifying species, which is particularly challenging due to the country's rich biodiversity. The vast number of species and subspecies, coupled with their similar appearances, make identification and enforcement difficult. This challenge is further compounded by the illegal wildlife trade, which often involves the smuggling and mislabeling of species. Additionally, the interviewees noted that the country lacks specific legislation to implement the convention. While the country has incorporated CITES into its national laws, the legislation is often inadequate in addressing the unique challenges faced in implementing CITES.

Last, the interviewees noted that the Conference of Party (CoP) meetings are often considered ‘board room affairs’ that do not involve individuals who directly interact with real conservation issues. This lack of engagement with grassroots conservationists and those on the front lines hinders effective communication and implementation of CoP decisions. This raises questions on the effectiveness of the convention if the individuals directly affected by the illegal trade of species are not involved in decision making. Therefore, based on this finding, it is critical to ensure the involvement of all stakeholders, hence improving the effectiveness of the convention.

Knowledge on National Ivory Action Plan Tool

The National Ivory Action Plan (NIAP) tool was developed in 2013 as a response to the growing global problem of elephant poaching and the illegal ivory trade. As such, the researcher sought to determine the impact of the NIAP tool in reducing the illegal trade of Ivory. The results are presented in Figure 10 below.

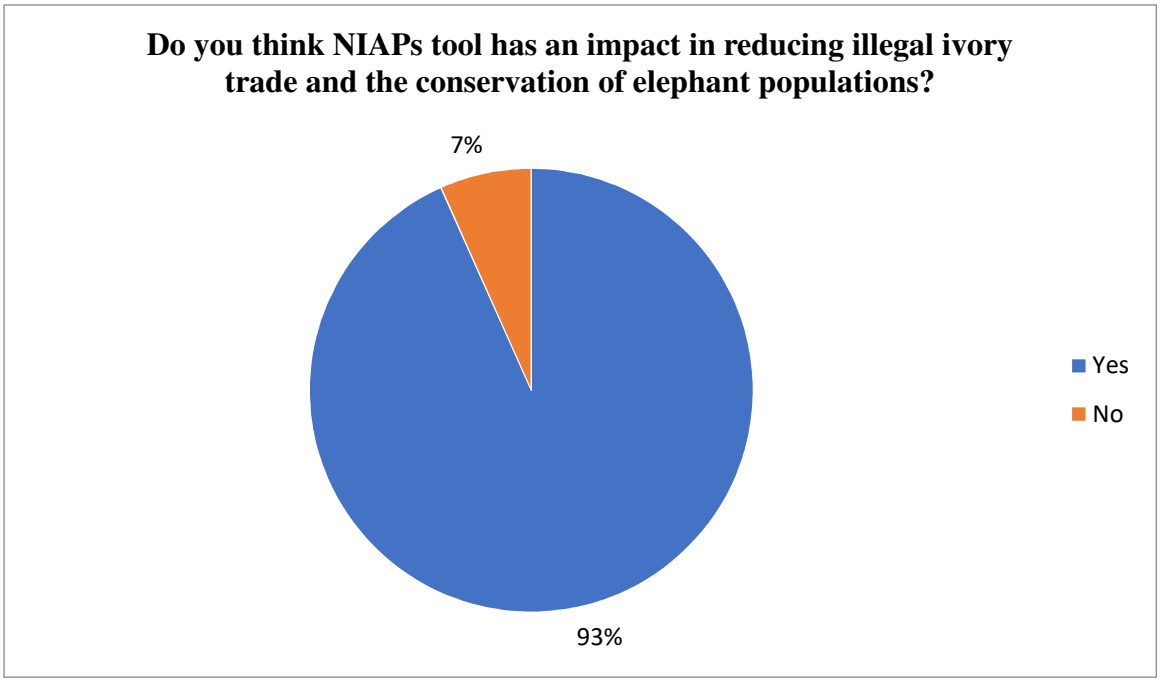

Figure 31: Pie Chart Showing Response on the Impact of NIAP in Reducing Illegal Trade of Ivory.

Figure 10 indicates that 14 (93%) respondents agreed that the adoption of NIAP in 2013 has led to a decrease in the illegal trade of Ivory. The elephant is one of the big five animals which attracts both domestic and international tourists in Africa. Therefore, through the adoption of NIAP, the governments like those of Kenya set a foundation for ensuring the protection of not only elephants but also other endangered species such as rhinos that are hunted for their horns. According to the interviewees, the NIAP tool has been essential in reducing the illegal trade of ivory since it is legally binding, implying that any individual caught poaching elephants is to be punished in accordance to the law.

The respondents were also asked to indicate on a scale of 1-5 the effectiveness of the NIAP strategies in reducing the poaching of elephants. The data collected is exhibited in Figure 11.

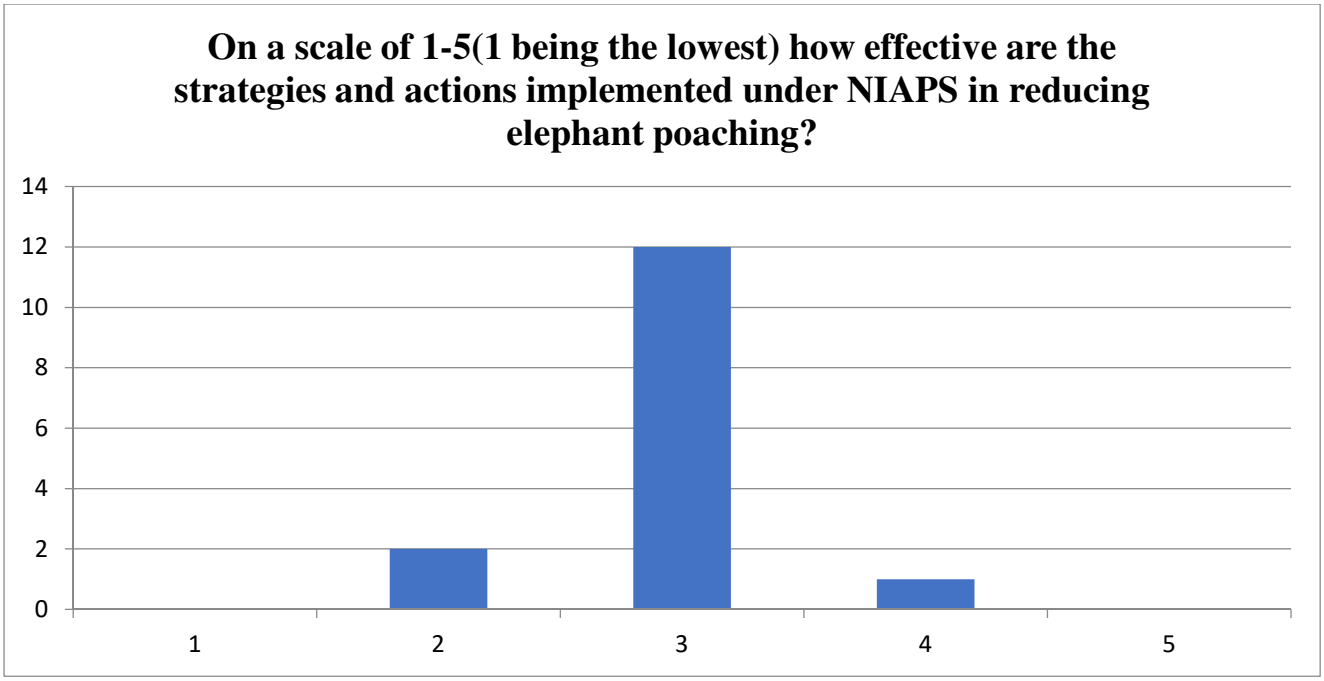

Figure 32: Bar Chart Showing Response on the Effectiveness of NIAP is reducing Poaching

Figure 11 shows that 12 (80%) of the respondents held a neutral stand on the effectiveness of the NIAP strategy in reducing poaching. This is an implication that the NIAP tool has not failed and has not succeeded as well. Therefore, it can be concluded that while the NIAP tool is a good foundation to ensure the poaching of elephants is reduced, there is still more work that needs to be done.

Improvement of NIAP Implementation

The findings revealed that more work still needs to be done by the government to facilitate the effectiveness of NIAP. As such, the researcher sought to understand whether the monitoring and evaluation mechanisms under the NIAPs have been effective in ensuring the conservation of elephants. Figure 12 below shows the results generated.

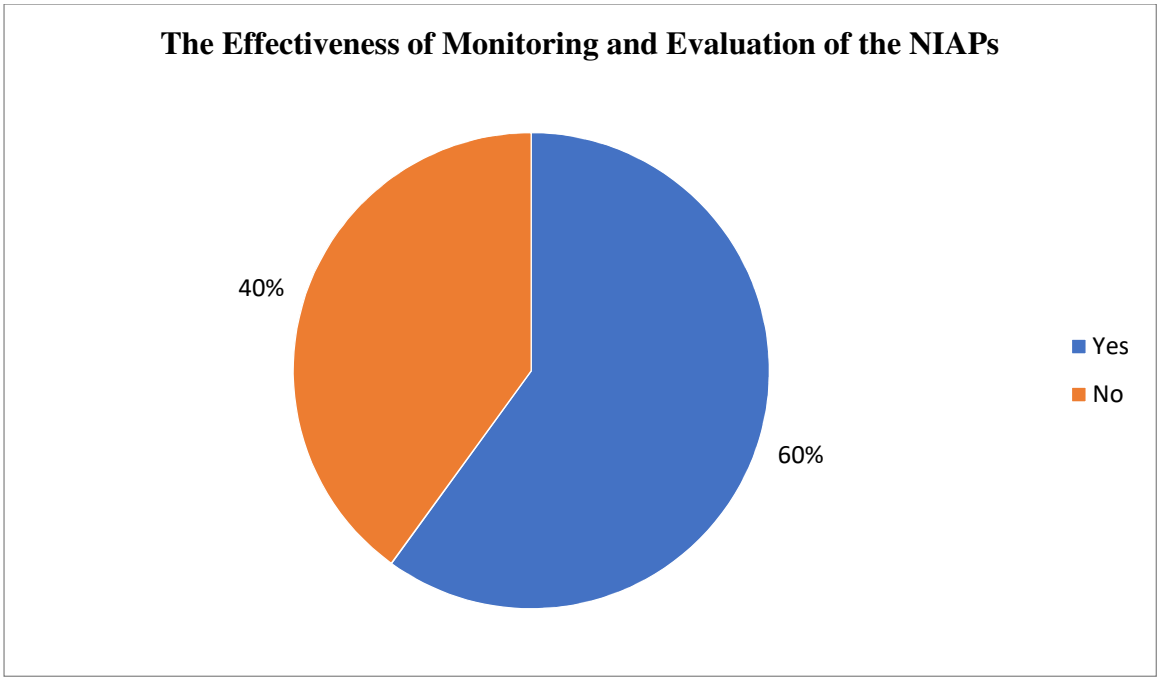

Figure 33: Pie Chart Showing Response on the Effectiveness of Monitoring and Evaluation of the NIAPs

Figure 12 above shows that 60% of the respondents agreed that the monitoring and evaluation strategies of the NIAPs have been effective in reducing poaching of elephants. According to the interviewees, through data collection and record keeping, the different agencies are able to implement NIAPs, by keeping track of all the elephants in the country.

The interviewees were also asked to indicate whether there is sufficient public awareness and education to reduce the demand for ivory products. This question was developed based on the fact that informing educating the public and creating awareness on the dangers of ivory products to the sustainability of the ecosystem can play a significant role in reducing elephant poaching. The results generated are presented on Figure 13 below.

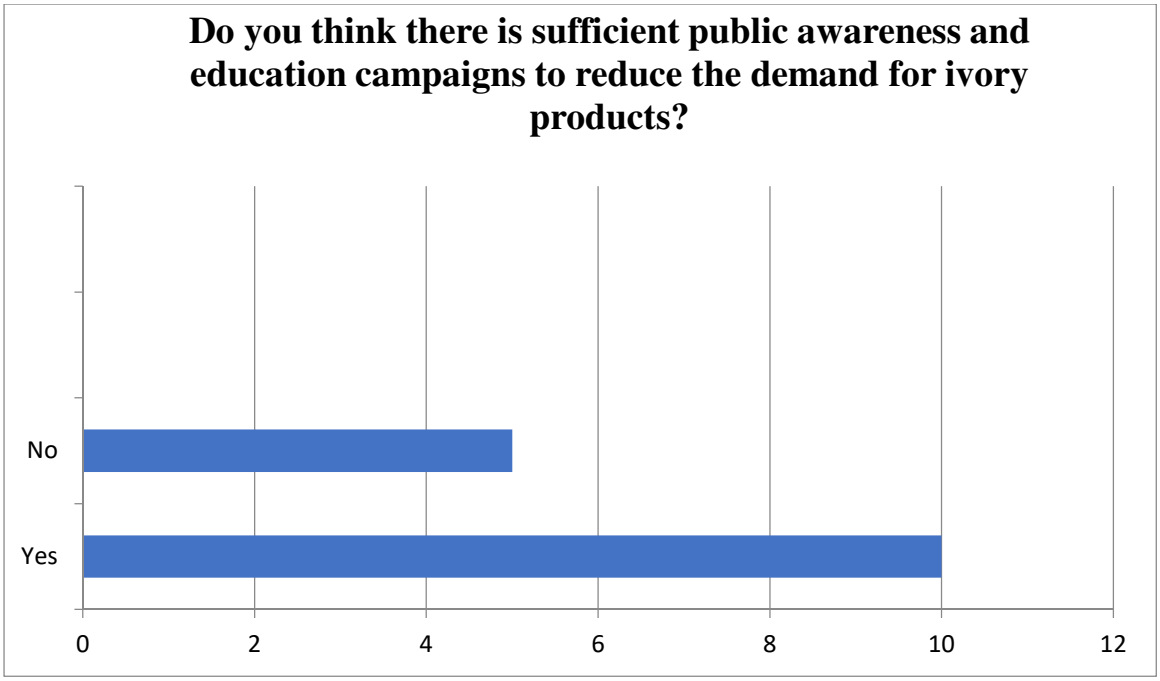

Figure 34: Bar Chart Showing response on public awareness and education campaigns on ivory demand

Figure 13 show that majority of the respondents (66%) revealed that there is sufficient and public awareness and education campaigns to reduce the demand for ivory products. This may be attributed to the fact that in primary school, the pupils are taught the importance of conserving the ecosystem and the dangers of hunting economies. Moreover, government institutions such as Kenya Wildlife Service and other private agencies dealing with ecosystem conservation often educates the public through campaigns on the importance of conserving and protecting wildlife to ensure the country's sustainability.

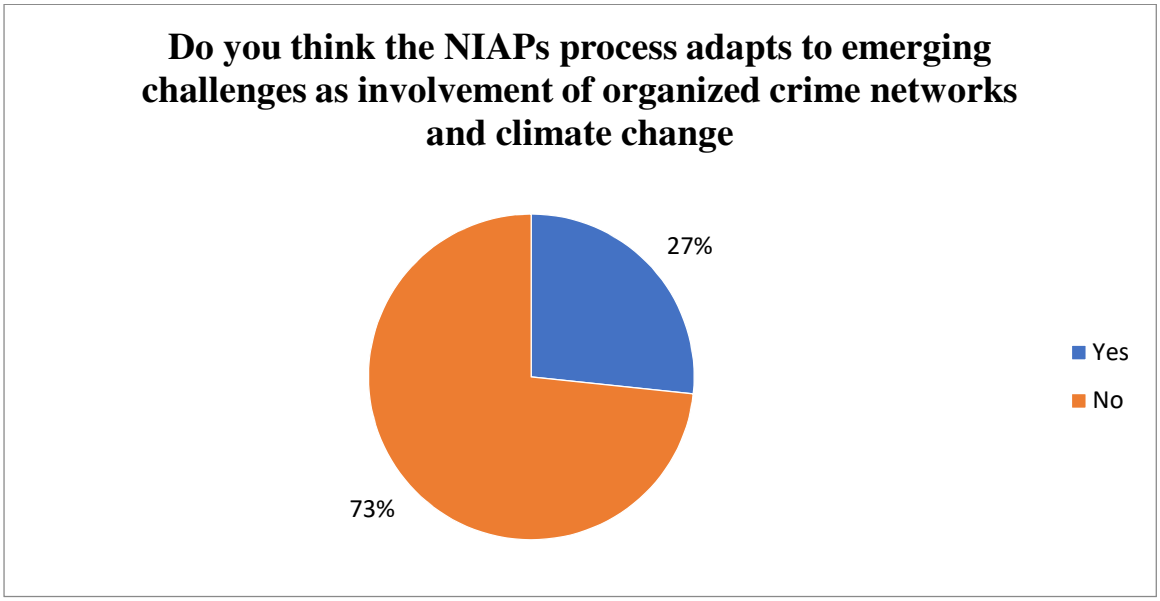

Figure 35: Pie Chart Showing Response on NIAPs Capacity to Adapt to Emerging Challenges

According to the findings presented on Figure 14, 73% of the respondents stated that the NIAPs process has not been able to adapt to emerging challenges. This is because, as the world is evolving, challenges such as those related to organized crime networks continue to persist. In as much as the government has done its due diligence in implementing the NIAPs, it still has to fight with organized crime networks who often than not are financed to engage in poaching activities. Moreover, due to climate change that has been exacerbated by industrialization, it has become difficult to maintain the ecosystem of the wildlife. This makes it difficult to implement NIAPs goals without addressing the global warming challenge. Therefore, it is potent that the NIAP process acknowledges the existing challenges to be effective in reducing the illegal trade of ivory products.

Using a Likert scale that ranges from strongly agrees to strongly disagree, the respondents were asked to provide their opinion on whether NIAPs should focus more on the impact of the tool rather than the actions of the parties as a determinant for effectiveness. The findings were presented below on Figure 14.

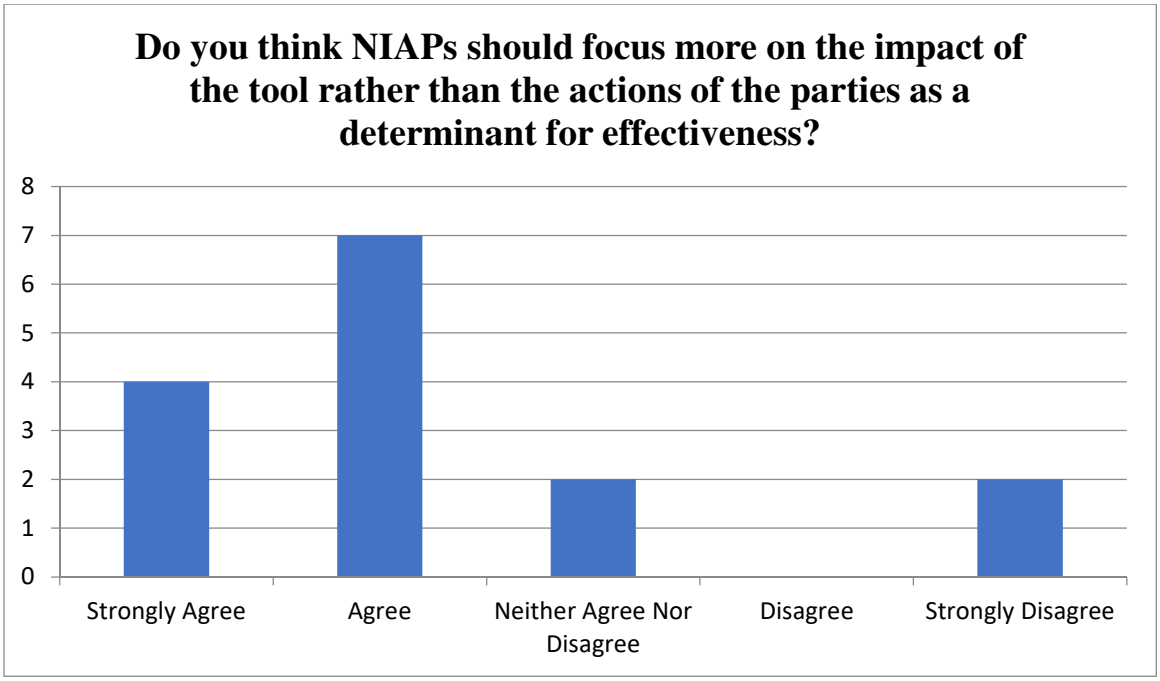

Figure 36: Bar Chart Showing Response on Whether NIAPs Should Focus More on the Impact of the Tool Rather than the Actions of the Parties as Determinants of Effectiveness.

NIAPs measure the effectiveness of the tool through the actions taken by the different nations. However, based on the findings presented on Figure 15, this should change and rather the NIAPs should focus more on the impact the tool has in reducing the poaching of elephants and rhinos. This is supported by 73% of the respondents in the study. This is essential since in as much as states may take different actions, these actions may not be effective hence the approach is not valid in measuring NIAPs effectiveness.

The researcher asked the respondents whether enforcement agencies have a role in the implementation of the NIAPs. Figure 16 below presents the results.

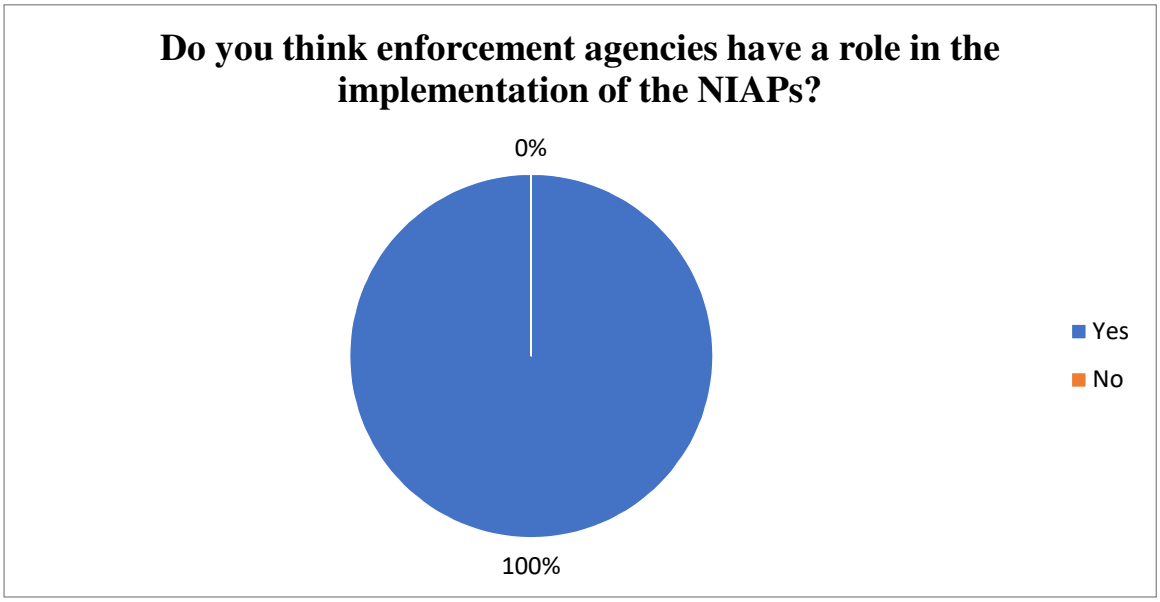

Figure 37: Pie Chart Shows Response on the Role of Enforcement Agencies in the Implementation of NIAPs

From the data presented on Figure 16, all of the respondents (100%) agreed that enforcement agencies play a critical role in ensuring the successful implementation of the NIAPs. This is because the enforcement agencies are essential in investigating poaching incidences and the illegal trade of ivory and ensuring that the perpetrators are reprimanded and punished in accordance to the law.

The researcher collected data on whether the countries should consider the social, economic and environmental implications of implementing NIAPs on local communities, the findings are presented on Figure 17 below.

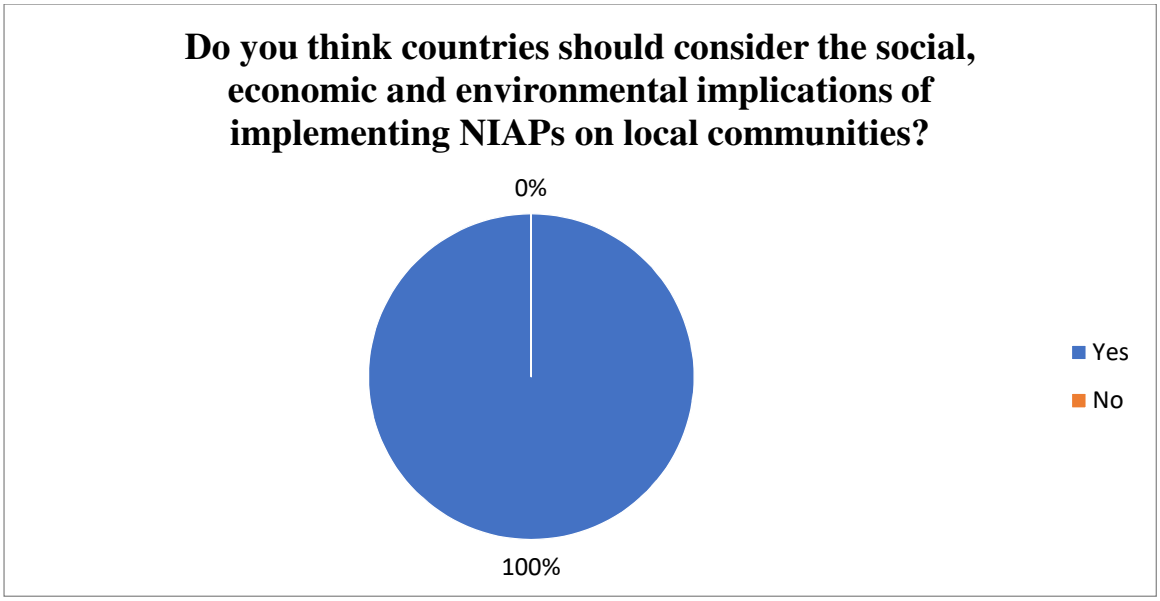

Figure 38: Pie Chart Showing Response of the Consideration of the Social, Economic and Environmental Implications of Implementing NIAPs on Local Communities

Figure 17 shows that all the 15 (100%) respondents agreed that a country should consider the implication of implementing NIAPs especially with regards to local communities. Based on the findings, the social, economic and environmental implications OF NIAP should be put into consideration before implementation since, it is the communities that are directly affected by such decisions. Therefore, it is essential that the states ensure that the local communities are not impacted negatively at the cost of conserving the ecosystem through the adoption of different NIAPs.

The researcher also sought to determine the challenges faced in the implementation of the NIAPs and the rhino plans. One of the challenges identified from the data collected is the lack of a comprehensive training tool for wildlife rangers and law enforcement officers. Training is critical in equipping rangers with the necessary skills and knowledge to effectively combat elephant and rhino poaching and the illegal ivory trade. Without proper training, rangers may lack the skills to identify and prevent poaching, leading to ineffective implementation of the NIAPs. Moreover, the interviewees also added that the effective implementation of NIAPs requires significant financial resources. The interviewees noted that although, the government of Kenya and international partners have committed to providing financial support for the implementation of the plan, the financial investment is still limited to effectively ensure that the NIAPs and rhino plans are implemented successfully.

According to the interviewees the lack of effective communication and support in the implementation of NIAPs and rhino plans are barriers to the tools implementation. Moreover, the interviewees noted that the lack of awareness by parties outside the scientific and management authorities hinders the tools implementation. Elephant poaching and the illegal ivory trade are complex issues that require the involvement of various stakeholders, including policymakers, politicians, and the general public. However, some stakeholders outside the scientific and management authorities may lack awareness of the issues and the importance of the NIAPs in addressing them. This lack of awareness can lead to a lack of support for the plan, making it difficult to implement effectively identified from the data collected

The interviewees also noted that although the importance of conservation is taught in some school setups in countries like Kenya, the severity of poaching is yet to be fully comprehended by the public. This belief is largely held since; the government creates its national brand by showcasing wildlife. Therefore, there is a need to not only show the animals but also provide data, especially with regard to endangered species. This will add to public awareness and may deter the poaching of elephants and rhinos.

The researcher also sought to understand whether the CITES species-specific measures are effective in conserving listed species of concern. The findings were presented on Figure 18

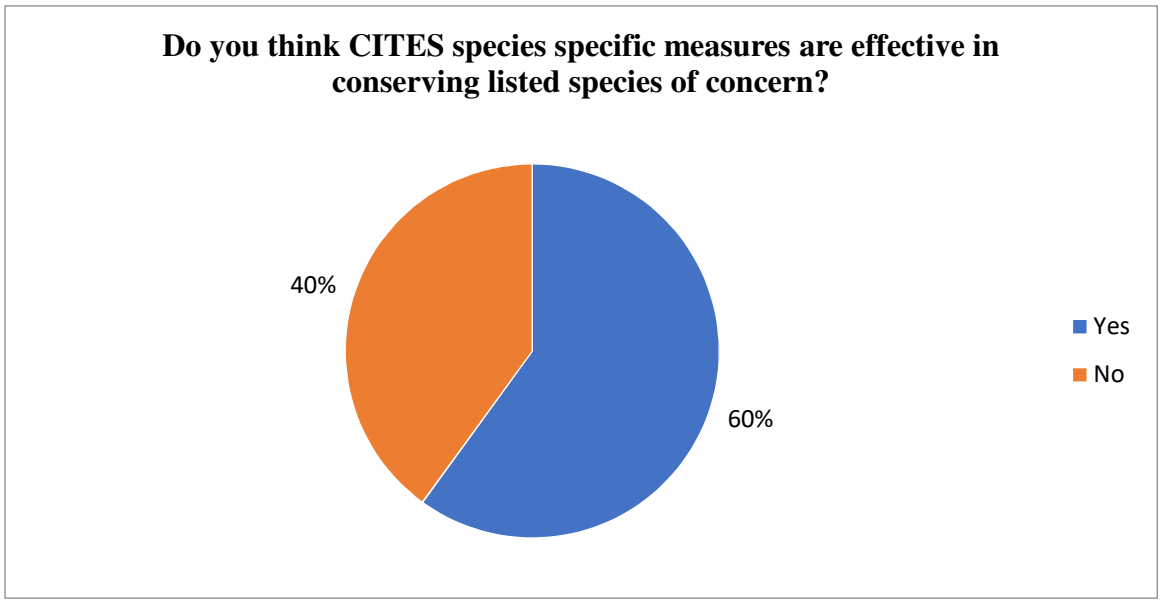

Figure 39: Pie Chart Showing Response on the Effectiveness of CITE Species Specific Measures in Conserving Listed Species of Concern

Figure 18 shows that 60% of the respondents indicated that CITES species specific measures have been effective in conserving listed species of concern. A good example is the NIAPs which focused on elephants. This is attributed to the fact that the CITES species specific measures only focuses on one species, hence improving its effectiveness.

Based on the above findings, the researcher sought to enquire whether the NIAPs tool is an effective CITES compliance measure in conserving the elephant species. Figure 19 below shows the results.

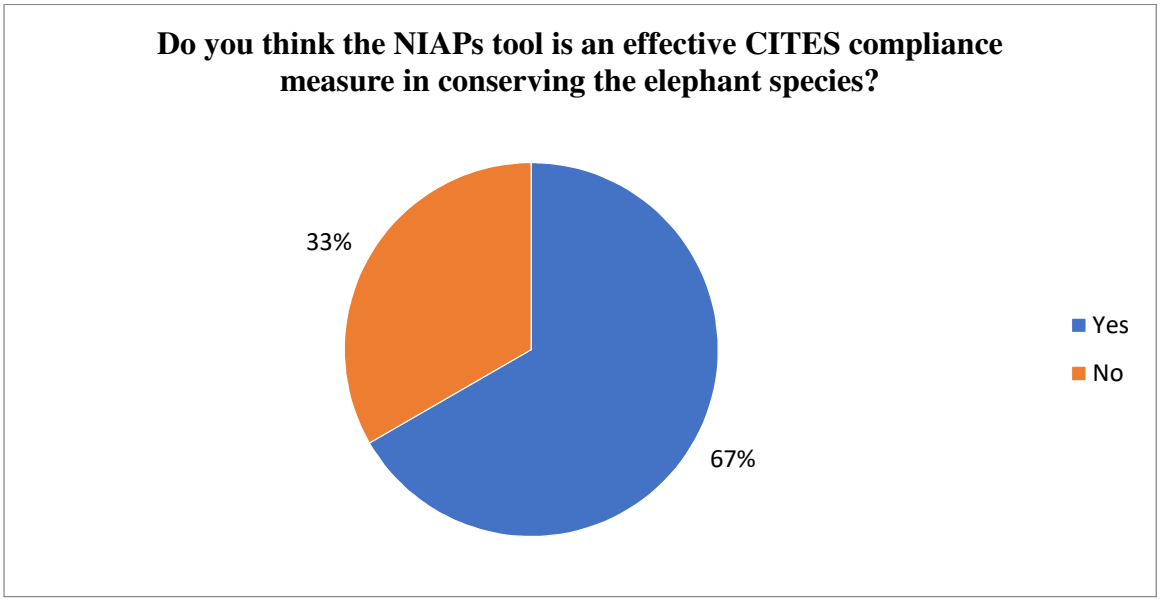

Figure 40: Pie Chart Showing Response on the Effectiveness of NIAPs tool as a CITES Compliance Measure in Conserving the Elephant Species

The findings presented on Figure 19 show that that 67% of the respondents agreed that NIAPs has been effective in conserving the elephant species. This was attributed to the increase in number in the elephant species and in the reduction in poaching incidences.

The respondents were asked to indicate whether similar tools should be adopted to conserve other species such as the pterocarpus erinaceus and vaquita. The findings are shown on Figure 20

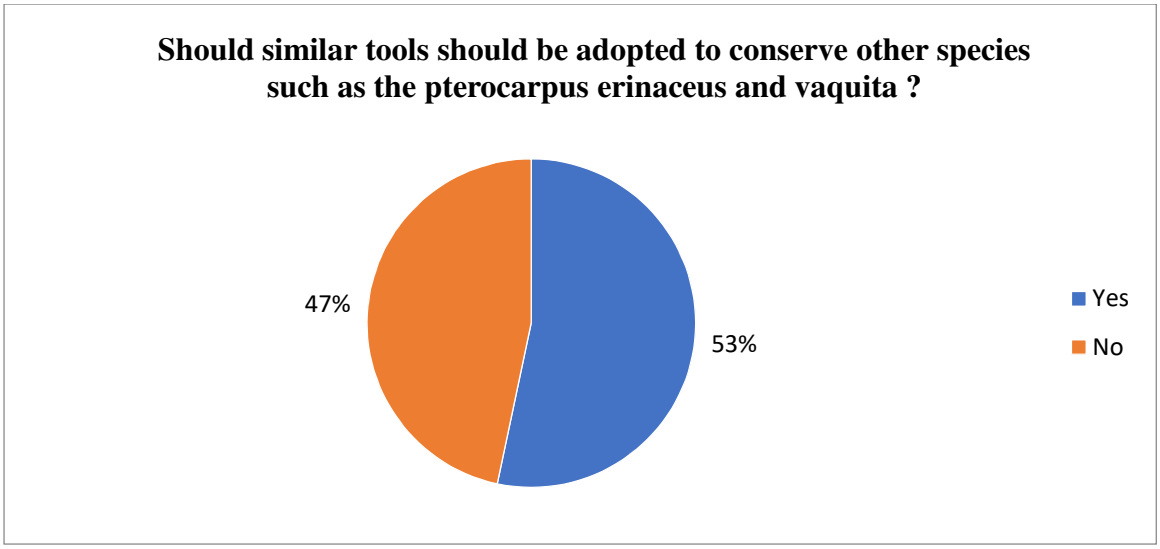

Figure 41: Pie Chart Showing Response on Whether CITES Species Specific Tools Should be Adopted

Figure 20 show that the majority of the respondents (53%) stated that similar species specific tools should be adopted to conserve endangered species such as the pterocarpus erinaceus and vaquita. This is based on the background that the NIAPs tool was established to be effective in conserving the elephant species.

The researcher acknowledges the role technology plays in the day-to-day lives of all individuals. As such, the researcher enquired from the respondents whether technology and innovation has a role to play in supporting the role of CITES and action plans in conserving elephant and rhino populations. The results are shown on Figure 21.

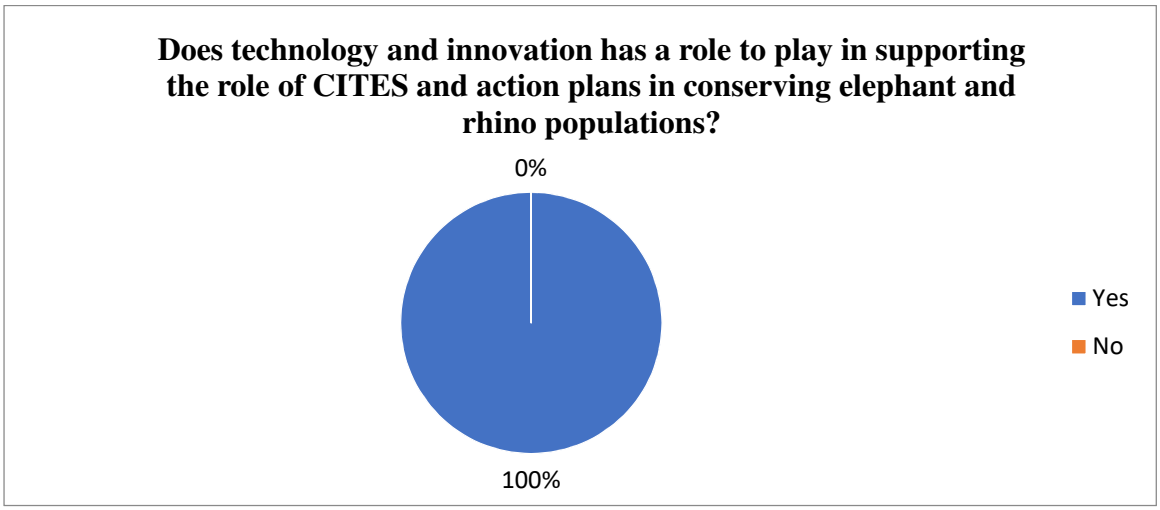

Figure 42: Pie Chart Showing Response on the Role of Technology and Innovation in Supporting CITES

The findings on Figure 21 show that all of the respondents (100%) agreed that technology and innovation has a critical role to play in promoting the implementation of CITES. In the 21st Century the role of technology cannot be overlooked even when it comes to conserving the listed species.

Discussion

The study's findings shed light on the respondents' attitudes, knowledge, and experiences of CITES and its application. 90% of the respondents, according to the report, are aware of CITES and utilize it in their daily lives. This discovery is significant because it demonstrates that CITES has a wide audience and has been successful in raising public awareness about the importance of protecting endangered species. This result was anticipated given that the respondents to the study included people whose job it is to make sure that various species are conserved. Moreover, the findings show that CITES places the same emphasis on the conservation of all species of concern. This finding is in line with the objectives of CITES, which is to regulate and control international trade in endangered species of wild fauna and flora to ensure their survival (CITES, 2021).

The findings show how important CITES has been in halting the overexploitation of wild animals. This discovery emphasizes how crucial it is to create laws and policies to safeguard endangered species and maintain their sustainability. The research demonstrates that national legislation ensures CITES compliance. For example in Kenya the following are a some of the laws that Kenya has implemented to help with CITES compliance: Kenyan woods are conserved, protected, and managed under the Forest Conservation and Management Act of 2016. It designates the Kenya Forest Service (KFS) as the main organization in charge of managing and protecting the nation's forests. The Act also establishes rules for the management of forest resources, particularly those utilized in the trade of wildlife. Furthermore, the main piece of Kenyan law that promotes CITES compliance is The Wildlife Conservation and Management Act of 2013. The Act outlines steps to stop the illegal trade in wildlife and its byproducts and offers a legal foundation for the preservation, management, and protection of wildlife in Kenya. These laws support CITES' objective of ensuring the protection of certain species. Figure 7's findings, however, demonstrate that although some countries have implemented CITES requirements, there is still space for improvement, particularly in the way these policies and laws are put into practice.

The findings suggest that providing incentives might improve the effectiveness of CITES implementation, particularly in developing nations. Significant economic and social issues, such as poverty, corruption, and inadequate governance institutions, are faced by many developing nations. For many people, especially those who live in rural locations, the wildlife trade can be a lucrative source of money in such circumstances. Hence, it is crucial to establish incentives to deter individuals from participating in the illegal wildlife trade and to encourage adherence to CITES standards. Hence, more knowledge is spread about the need of protecting wildlife and plant species for a sustainable tomorrow by providing incentives like money and training. This finding concurs with results by (Sand, 2013) who found that a lack of adequate resources was a challenge in the implementation of CITES. Therefore, incentives can help streamline the process of CITES compliance.

The results indicate that when designating species of concern under CITES, economic and social issues need to be taken into account. The criteria that must be taken into account when deciding whether a species should be listed in one of the three CITES appendices are described in CITES resolution 9.24. These requirements place a strong emphasis on the biological status of the species, including its size, distribution, and trends, as well as the effects of global trade on its state of conservation (Anon, 1983). The present CITES listing criteria do not explicitly take economic and social aspects into account, despite the fact that they may inadvertently affect a species' conservation status. It is crucial to take into account the social and economic repercussions of CITES listing a species. The communities who depend on a species for their livelihoods may experience severe economic and social effects from the listing of that species. As a result, it is crucial to make sure that the CITES regulations are implemented in a balanced manner and take into account the requirements and concerns of all parties, including local residents.

Figure 8 demonstrates how the conservation status of the species listed under the convention has been impacted by CITES rules. This finding is significant because it demonstrates how the CITES policies have improved the conservation of the species included in the convention. For instance, it is important to note that Appendix I of CITES, which forbids the international traffic in elephant ivory, lists the African elephant. In Kenya and other African nations, this listing has contributed to a decrease in ivory poaching and illicit trading. As a result, in some parts of Africa, the African elephant population has stabilized. The Kenya Wildlife Service reports that the country's elephant population expanded from 16,000 in 1989 to over 34,000 in 2018.

However, the Kenyan Wildlife Service published data in 2021 demonstrating an increase in the nation's overall rhino population, which rose from 1,258 rhinos at the end of 2017 to 1,739 rhinos by the middle of 2021. The sole black rhino subspecies known in Kenya, Eastern black rhinos, increased from 745 to 897, and Southern white rhinos increased from 510 to 840. This demonstrates how better endangered species conservation has resulted from species listing under CITES.

In order to ensure that the conservation goals of CITES are met, the results also demonstrate the necessity of including a wide variety of stakeholders in policy creation and execution. This is based on the understanding that stakeholder involvement is crucial for ensuring CITES regulations are followed. Participation from stakeholders is especially important for discouraging the trade in endangered species and their goods. Inadequate stakeholder involvement, the illegal trade in endangered animals and their goods would be necessary.

The results demonstrated that the execution of CITES suffers from a lack of financing and resources due to the lack of cooperation from other enforcement agencies, such as the police. Due to the weak CITES regulations enforcement and insufficient cooperation with customs officers caused by this lack of support, it is simpler for wildlife traffickers and poachers to engage in illegal wildlife trade. The findings are aligned with results by (Bowman, Davies, & Redgwell, 2010) who found that the lack of collaboration between agencies in implementing CITES may be as a result of corruption by officials whose responsibilities include overseeing the implementation of the convention.

The findings also suggested that officials have appropriate resources and training so they can identify various animal and plant species and efficiently spot their unlawful trafficking. However, countries like Kenya lacks the necessary laws to execute the agreement effectively, and the CoP meetings are frequently viewed as "board room affairs" that exclude people who work directly on conservation-related issues. The inability to effectively communicate with and implement CoP decisions is hampered by the absence of involvement from grassroots conservationists and those on the front lines. According to (Sand, 2013) compliance with CITES largely relies on the engagement with all stakeholders and their collaboration. The findings suggested that countires needs to create particular legislation that tackles the special difficulties encountered in carrying out CITES in the nation. To increase the success of CITES implementation, it is vital to solve the issues with species identification, law, and stakeholder participation.

The results demonstrate how the National Ivory Action Plan (NIAP) has been successful in reducing elephant poaching and the illegal trade in ivory. The reduction in the illegal ivory trade was attributed in large part to the NIAP's adoption. The preservation of elephants and other endangered animals, which draw tourists to Kenya, depends on this convention. The findings support reports by the (WWF, 2018) that the NIAP tool has been critical in reducing the rate of poaching of elephants in Africa. The NIAP's legislative obligations guarantee that anyone found poaching elephants will be held legally accountable. As a result, NIAP has laid a solid foundation for the protection of elephants and other threatened species. Notwithstanding the good effects of the NIAP, the findings also indicate that more work needs to be done to ensure that the NIAP policies are implemented and enforced effectively. Therefore, it is crucial that governments collaborate with all interested parties to increase the NIAP's efficiency in minimizing poaching.

According to the study's findings, NIAPs have helped authorities reduce the number of elephants being poached, but there are still issues that need to be resolved. One of the issues raised is the NIAPs' poor ability to respond to new challenges like organized criminal networks and climate change. Changes in rainfall patterns brought on by climate change have also impacted vegetation growth and water sources for both people and wildlife. Elephants are now more vulnerable to poaching because there are less food options available to them as a result of the reduced vegetation growth. This concurs with observations by (Campos-Arceiz & Blake, 2011) that African elephants survive better in regions with adequate vegetation coverage.

The study also demonstrates the importance of public awareness and education programs in lowering the demand for products made from ivory. This implies that more work needs to be done to educate the populace about the negative effects of hunting on a nation's economy as well as the value of conserving and protecting wildlife to secure the sustainability of the country. The findings also suggested that NIAPs should place more emphasis on the tool's impact than on the parties' behaviors as a determining factor for effectiveness. Instead of considering the steps done by various countries, the efficiency of NIAPs should be evaluated based on their contribution to reducing elephant poaching (EIA, 2018). This approach will ensure that the NIAPs are more effective in reducing elephant poaching.

The relevance of enforcement agencies in guaranteeing the NIAPs' successful implementation was also noted. This is because law enforcement organizations are crucial to the investigation of poaching incidents and to ensuring that offenders receive the just punishments. This

acknowledges the importance of agency collaboration in fostering the success of NIAPs. The report also emphasizes how crucial it is to take into account how NIAP implementation may affect nearby communities' social, economic, and environmental conditions. This suggests that in order to ensure that local communities' social, economic, and environmental demands are met during the implementation of NIAPs, the government must involve them. The results show that cooperation between law enforcement organizations, the local community, and the state as a whole is necessary. This aligns with reports by (Challender, Harrop, & MacMillan, 2015) that it is only through collaboration that the menace of elephant and rhino poaching can be reduced.

The results show that the species-specific CITES measures have been successful in fulfilling conservation objectives. The fact that the measures are specifically designed to target particular species is responsible for their success. The results also demonstrate the success of the NIAPs tool, a specific CITES compliance measure for elephants, in protecting this species. These findings suggest that species-specific conservation strategies, like NIAPs, may be successful in protecting other imperiled species, such the pterocarpus erinaceus and vaquita.

The results also suggest that innovation and technology are crucial to encouraging the adoption of CITES regulations. This suggests that using technology such as advanced tracking and surveillance systems, DNA analysis, and artificial intelligence can aid in detecting and preventing illegal wildlife trade, improving the monitoring of endangered species, and increasing public awareness. Overall, these findings highlight the importance of tailored, species-specific measures in supporting conservation efforts.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

Conclusion

The study highlights the successes and challenges of CITES implementation, particularly in terms of policies and laws being put into practice. While CITES has been successful in raising public awareness about the need to protect endangered species, there is still room for improvement in terms of implementation. The study suggests that providing incentives could improve the effectiveness of CITES implementation, especially in poorer nations where individuals may turn to wildlife trade as a source of income.

It is essential to take into account economic and social issues when listing species of concern under CITES. However, the current CITES listing criteria do not explicitly consider these factors despite their potential impact on a species' conservation status. The study suggests that while the focus should remain on the biological and environmental components of endangered species, economic and social factors should also be taken into account to ensure that the implementation of CITES is effective.

Overall, the study emphasizes the importance of continued efforts to strengthen CITES implementation, not only for elephants but also for other threatened species like rhinos that are killed for their horns. The study also highlights the need for policymakers to address the underlying economic and social issues that may drive individuals towards participating in illegal wildlife trade. By taking these steps, policymakers can help secure the preservation of endangered species and protect them from threats posed by illegal wildlife trade.

The study highlights the effectiveness of the National Ivory Action Plan (NIAP) tool in curbing the illegal ivory trade. NIAP is a strategic approach that involves the development of a comprehensive action plan to address the illegal trade of ivory, including strengthening enforcement, enhancing international cooperation, increasing public awareness, and improving legal frameworks. The study shows that the implementation of the NIAP has resulted in a significant reduction in the illegal trade of ivory in countries like Kenya. This highlights the importance of adopting species-specific measures to address the challenges faced in preserving threatened species.

However, the study also points out that the effectiveness of the NIAP method in stopping poaching is still unknown. This highlights the need for additional research to be conducted to determine the effectiveness of the NIAP approach in preventing poaching. Furthermore, the study shows that the NIAPs approach has not been able to adjust to newly emergent problems like climate change. Climate change is a significant threat to the survival of many species, including elephants and rhinos. In order to develop effective solutions to address the issue, the NIAP approach needs to acknowledge the challenge posed by climate change and incorporate measures to mitigate its effects.

The study emphasizes the necessity for the government to strengthen the application of CITES species-specific rules to secure the preservation of not only elephants but also other threatened species like rhinos that are killed for their horns. This requires a holistic approach that addresses the root causes of illegal wildlife trade, including poverty, corruption, and weak governance. Additionally, it calls for increased international cooperation to address the illegal trade of wildlife, including the sharing of information and intelligence on the trade, enhancing law enforcement efforts, and promoting public awareness on the issue.

In conclusion, the study highlights the importance of adopting species-specific measures to address the challenges faced in preserving threatened species. While the NIAP approach has been successful in curbing the illegal ivory trade, there is a need for additional research to determine its effectiveness in preventing poaching. Furthermore, the approach needs to incorporate measures to address newly emergent problems like climate change. The study emphasizes the need for governments to strengthen the application of CITES species-specific rules and increase international cooperation to secure the preservation of threatened species.

Recommendations

The study makes the following recommendations.

1. Involve stakeholders: The study showed that stakeholder involvement is crucial for ensuring CITES regulations are followed. Therefore, it is important to involve a wide range of stakeholders in policy creation and execution to ensure that the conservation goals of CITES are met such as local communities, governmental organizations, and NGOs, to participate in the implementation of CITES rules and regulations.
2. Provide incentives: Providing incentives might improve the effectiveness of CITES implementation, particularly to developing nations. This includes providing financial

incentives and training to individuals and communities to discourage them from participating in the illegal wildlife trade and to encourage adherence to CITES standards.

3. When listing species under CITES, take into account economic and social issues to balance the demands and concerns of all parties, including local communities.
4. By working with customs officers and other law enforcement organizations, such the police, and by allocating additional budget and resources to facilitate implementation, the enforcement of CITES requirements can be strengthened.
5. Promote further studies on how CITES regulations affect the preservation of endangered species, particularly in developing countries, in order to give decision-makers more fact-based knowledge.
6. Create systems for tracking and analyzing how CITES rules and policies are being applied in order to assess their success and pinpoint areas for development.
7. Continue raising awareness: The study showed that 90% of the respondents are aware of CITES and utilize it in their daily lives. Therefore, it is important to continue raising awareness to ensure that the remaining 10% of the population are aware of CITES and its importance in protecting endangered species.
8. Consider economic and social aspects: When designating species of concern under CITES, economic and social issues need to be taken into account. This includes taking into account the social and economic repercussions of CITES listing a species and ensuring that the regulations are implemented in a balanced manner, taking into account the requirements and concerns of all parties, including local residents.
9. Increase funding: The study demonstrated that the execution of CITES suffers from a lack of financing and resources. Therefore, there is a need to increase funding for the implementation of CITES to ensure that it is effective in protecting endangered species.

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