



Combating Illegal Poaching of Wildlife

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Introduction

Across Africa a complex war is raging to save endangered species. While poaching of endangered, at-risk, and near-extinct animals is not a new phenomenon across the continent, the technological arms race raging between conservationists, law enforcement, national governments, and the international community against poachers has been ever-increasing.¹ New technologies like drones and digital monitoring, partnered with wildlife protection agencies, can better protect endangered animals from becoming fodder for the black market. But the power of illegal markets cannot be denied.

Given the ever-increasing risks facing animals sought by poachers, problems of rising populations and human encroachment, and climate change, protecting wildlife is not simple. The slaying of an endangered animal represents one part of a complex web of illegal activity stretching thousands of miles from Africa to destination markets around the globe.

This transnational problem might best be addressed by transnational solutions, a unified approach to poaching across Africa, and other regions of the globe. But a global crack-down exposes difficult issues. What about impoverished communities adjacent to wildlife reserves, or communities that must deal with the dangers and destruction of wildlife in their farms? Is this an issue for the international community, or will sovereign states demand solutions they themselves control?



A Kenya Wildlife Services ranger guards elephant tusks in preparation for a historic destruction of illegal ivory and rhino-horn confiscated mostly from poachers in Nairobi's national park. A study in 2019 found that the mortality rate for African elephants has declined to 4 percent in 2017, down from 10 percent in 2011.²

The African Union (AU) is the largest and most cohesive body to address transnational African issues like the illegal wildlife trade and has achieved some approaches to success in the past. Still, the AU is an organization based on consensus, regional interactions. It prefers agreements on principles, not measures that make demands its Member States, especially on issues as complex as the illegal wildlife trade.

Instead, the AU has focused on developing partnerships with non-governmental organizations, individual states, and international governmental organizations like the United Nations, China, or NGOs like TRAFFIC International to address issues

¹ Sherriff, L. (2019, September 11). *The battle against wildlife poachers is increasingly high tech*, Al Jazeera: <https://www.aljazeera.com/economy/2019/9/11/the-battle-against-wildlife-poachers-is-increasingly-high-tech>

² Asmelash, Leah, and Saeed Ahmed, 2019. 'African elephant poaching has declined, but study warns they are still vulnerable', *CNN*, 6 June 2019, <https://www.cnn.com/2019/06/06/world/elephants-poaching-decrease-trnd/index.html>

involving the intersection of international commerce and illegal activity.³

Partnerships through the AU with these international bodies have proven successful in addressing some facets of poaching activity, but the hodge-podge of national responses greatly complicates efforts to address the criminal activity plaguing Africa's wildlife preserves. Given the scope of the problem, despite the actions of individual states, it is natural to turn to the most significant continent-spanning organization in Africa to address the issue.

Poaching in Africa

The poaching of wildlife is not a new phenomenon globally or within Africa, there is a long history of poaching activity and the illegal wildlife trade across the world. In the Nineteenth Century it was European demand that fueled the massive ivory trade. This and other illicit activity remain even as international law enforcement organizations attempt to halt the practice and countries globally have taken steps to crackdown on destination markets. From this perspective, to understand the problem facing the AU it is necessary to understand the string of illegal activity linking poachers in Africa to markets around the world, where poached animals fetch high prices.

Initially, poaching begins as a problem focused on local conditions. Poachers might come from villages or towns nearby to game reserves with the economic conditions of those locations serving as powerful motivators to become

involved in hunting endangered species. Essentially, poaching the animals desired by the black market, largely items like ivory from rhinos and elephants, offers a way out of poverty for individuals within the local community.⁴

Beyond issues of local poverty, problems in governance related to corruption and effectiveness of law enforcement can also drive local levels of recruitment into illegal practices like poaching.⁵ Therefore, the sheer value of endangered wildlife on the black market can become powerful motivators for illegal activity from within the communities. This offers opportunity for policy makers within the AU and its members, but it remains a strong driver of poaching so long as markets exist to sell poached game.



A rhino that killed for its horn at Kruger National Park in South Africa in 2015. The country, which has 80 percent of the world's rhino population, has been hit particularly hard by illegal poaching.

Local poverty is the primary recruitment tool for poachers; however, the global illegal wildlife trade provides the final market for the goods

³ TRAFFIC. (2021, December 22). *FOCAC 2021: How China and Africa collaborate to combat illegal wildlife trade*, TRAFFIC: <https://www.traffic.org/news/focac-2021-how-china-and-africa-collaborate-to-combat-illegal-wildlife-trade/>; Singh, P., & Forti, D. (2020, September). *Beyond 2020: exploring the potential for a strong UN-AU peacebuilding relationship*. Institute for Security Studies:

<https://reliefweb.int/sites/reliefweb.int/files/resources/ar-28-2.pdf>

⁴ Hauenstein, S., Kshatriya, M., Blanc, J., Dormann, C. F., & Beale, C. M. (2019). African elephant poaching rates correlate with local poverty, national corruption and global ivory price. *Nature Communications*.

⁵ Ibid.



obtained from poaching. Most law enforcement and scholars have determined the most significant market for the illegal wildlife trade is Southeast and East Asia.⁶ Demand for ivory, furs, animal skins, and bushmeat has surged, causing the market to explode to an estimated total global worth between USD 7 and USD23 billion a year.⁷

Though this is a complex market making up multiple countries throughout the world, a nexus for endangered species of high value to poachers remains Africa. Whether through the illegal transportation and sale of pangolin bushmeat, the sale of orphaned gorilla infants, or the ivory trade poaching remains one of the most profitable criminal enterprises making billions each year.⁸

However, it is important to note the destination markets of poached game range beyond the ivory trade or bushmeat only are outside of Africa. Bushmeat, essentially the hunting of local wild game which includes endangered species by local populations for sustenance, has been on the rise as road networks improve and it becomes easier to access remote locations.⁹ This interconnectivity reveals the complexities of the illegal wildlife trade, because bushmeat represents an important source of protein for some communities while simultaneously posing one of the largest problems for the conservation and preservation of endangered species like forest elephants, who are thought to be hunted

primarily for their meat with the ivory value being only a byproduct.¹⁰ Moreover, as affluence grows in some communities within Africa, the demand for bushmeat is also increasing and leading to both rising prices and increased risks of instability for impacted species.¹¹

Not matter the factors driving poachers to their profession or the market their goods will end up being sold in, poaching and the illegal wildlife trade are a broad sweeping transnational issue linked to a variety of topics the AU has had their hand in since its founding.

The AU and halting the Illegal Wildlife Trade

The pervasive nature of the illegal wildlife trade and poaching across Africa has prompted historic responses from around the world, from nations and international organizations alike. Yet, when it comes to addressing the problems of Africa the African Union is uniquely placed with a broad membership across the continent. The AU is well posed to facilitate partnerships with international bodies concerned regarding halting the illegal wildlife trade and facilitating cooperation between member states.

Initially, the AU provides a strong partner for the host of groups attempting to halt the illegal wildlife trade throughout Africa. Formal

⁶ Dodson, B., Sholley, C. R., Chira, P., & Hoogervorst, F. (n.d.). *Africa is home to the world's most iconic wildlife: but illegal poaching might destroy it forever*. African Wildlife Foundation: <https://campaign.awf.org/poaching-infographic/>

⁷ U.S. Fish & Wildlife Service. (n.d.). *Illegal Wildlife Trade*. U.S. Fish & Wildlife Service: International Affairs: <https://www.fws.gov/international/travel-and-trade/illegal-wildlife-trade.html>

⁸ *Ibid.*; Wrigley, S., & Duthie, T. (2020, April 27). *The Illegal wildlife trade is still one of the most profitable criminal enterprises*. FCPA Blog: <https://fcpablog.com/2020/04/27/the-illegal-wildlife-trade-is-still-one-of-the-most-profitable-criminal-enterprises/>

⁹ Hall, J. (2019, June 19). *What is bushmeat?* National Geographic: <https://www.nationalgeographic.com/animals/article/bushmeat-explained>

¹⁰ *Ibid.*; Froehlich, S. (2021, February 25). *Could Africa's taste for bushmeat trigger the next pandemic?* Deutsche Welle: <https://www.dw.com/en/could-africas-taste-for-bushmeat-trigger-the-next-pandemic/a-56696576>

¹¹ Andimile, M., & Floros, C. (2021). *Rapid Assessment of the Bushmeat Trade: In urban centres in Tanzania*. Cambridge, UK: TRAFFIC International.



international governmental organizations like the United Nations are often significant partners for the AU in dealing with policy issues like development and public health, and there is a natural extension to tackling the illegal wildlife trade. Furthermore, the AU has had significant success in interacting with the vast variety of non-profit organizations on the continent. Though much of this interaction between the AU and these smaller non-profits does not fall within the scope of addressing the illegal wildlife trade specifically, the interfacing on issues related to development, health, education, and corruption address various tangential factors which can impact poaching activity throughout the continent. There are opportunities for the AU to interface with organizations and non-profits which are directly concerned with the activity of the illegal wildlife trade and the partnerships with those organizations can be impactful for the AU.

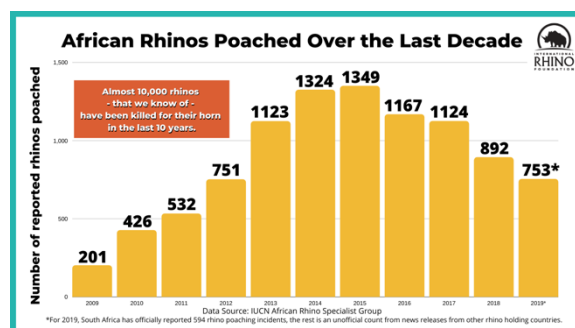
Still, these steps for coordination with the AU's role as a forum for continental issues offers the opportunity for coordination for nations facing similar problems. In this sense, the AU has three central roles to play in addressing the illegal wildlife trade through serving as a forum for coordination and cooperation, offering alternate pathways for development, and providing a means to address corruption within Africa.

Initially, the AU functions as a body where the fifty-five members can interact together on a host of issues multilaterally, but those multilateral discussions may not always be successful in formulating policy. Instead, where the AU can shine as an organization for addressing issues like the illegal wildlife trade is through bilateral negotiations and coordination pursued through or because of AU policy discussions.

The AU may be unable to gain consensus in the Assembly of the African Union, but it may be possible for heads of state to agree to form their own treaty or cooperative networks.¹² This ability to coordinate enables the work of the AU Commission and Pan-African Parliament on issues like combating the illegal wildlife trade into policy at least within some of the members in order to potentially address issues within some of the regions of the AU.

However, one of the primary jobs of the AU has been to promote the economic development of Africa. Given the economic factors drawing individuals into the illegal wildlife trade, development of rural areas may be a strong avenue to reduce the ability of illegal organizations to recruit new poachers.

Fortunately, when it comes to developing the African economy, the AU has a major track record of establishing structures, norms, and agencies across the continent focused on improving economic conditions across the continent.¹³ Once considered alongside the economic drivers of the illegal wildlife trade, the efforts of the AU to encourage healthy and robust economic growth can play a major role in removing a root causes driving communities to turn a blind eye to poaching.



¹² The African Union. (n.d.). *The Assembly*. African Union Commission: <https://au.int/en/assembly>

¹³ Vandome, C., & Vines, A. (2018). *Tackling Illegal Wildlife Trade in Africa: Economic Incentives and Approaches*. Chatham House: The Royal Institute for

International Affairs. <https://www.chathamhouse.org/sites/default/files/publications/2018-10-11-VandomeVines-Illegal-wildlife-WEB.pdf>



The illegal wildlife trade has made billions across the world, enriching criminals and corrupt politicians on the take. Corruption is endemic throughout Africa while touching all aspects of criminal enterprise, including poaching activity.¹⁴ The AU has historically focused on corruption as it plays a part in limiting economic growth and public trust, and proposing new measures to crack down or limit such activity continent-wide may prove to be influential in addressing the illegal wildlife trade. Given, that since its inception the AU has been driving efforts to establish a norm and consensus around fighting corruption, delivering efforts in this realm could do much to reduce the power of the criminal organizations orchestrating the illegal wildlife trade.

Previous AU Action

The AU's actions are usually based on a consensus of leaders from across the continent within the Assembly of the AU. Because of this consensus-based approach, the AU focuses largely on the development of norms and providing a framework for nations to adopt or look to as they develop their own legal codes. Along these lines the AU has developed several treaties and information exchanges relevant to fighting the illegal wildlife trade.

- **The African Common Strategy on Combatting Illegal Exploitation and Trade in Wild Fauna and Flora in Africa** is the most significant effort put forward by the AU to address the illegal

wildlife trade.¹⁵ While incomplete, the ACS does signal a strong level of support of the AU to address the illegal wildlife trade despite falling short of significant action to halt the practice.

- **The African Union Commission and TRAFFIC Memorandum of Understanding to Combat Illegal Wildlife Trade and Support Development** represents the most recent action undertaken by the AU to combat the illegal wildlife trade.¹⁶ This partnership offers the opportunity to increase the legitimacy of TRAFFIC while outsourcing some aspects of research and preparedness to the organization to support the AU.
- **The African Union Convention on Preventing and Combating Corruption** develops strong norms and goals for members to reach when it comes to combating corruption in general.¹⁷ While relatively weak in comparison to other kinds of anti-corruption efforts from around the continent, the level of buy-in into the convention is huge with over 44 members of the 55-member bloc supporting the convention.

¹⁴ Hauenstein, S., Kshatriya, M., Blanc, J., Dormann, C. F., & Beale, C. M. (2019).

¹⁵ African Union. (2015). *African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa*. African Union. https://au.int/sites/default/files/documents/33796-doc-african_strategy_strategy_africaine_au.pdf

¹⁶ TRAFFIC . (2021, August 3). *The African Union Commission and TRAFFIC sign a memorandum of understanding to combat illegal wildlife trade and*

support development. TRAFFIC:

<https://www.traffic.org/news/the-african-union-commission-and-traffic-sign-a-memorandum-of-understanding-to-combat-illegal-wildlife-trade-and-support/>

¹⁷ African Union . (2003, July 1). *African Union Convention on Preventing and Combating Corruption*. African Union:

<https://au.int/en/treaties/african-union-convention-preventing-and-combating-corruption>



Country positions

There are 55 Member States of the African Union. The sample below illustrates some of the major positions among them:

- **Egypt** has a strong legal system, relatively stable governance, and a illegal wildlife trade problem occurring in times of economic hardship. Given the dependence on tourism in some local areas, the COVID-19 Pandemic could be disastrous for wildlife conservation of the Nile Crocodile due to declines in tourist numbers.¹⁸ These problems highlight the need for robust and diverse development, even in the wealthiest African countries. A role that the AU can easily fulfill.
- **Kenya** is a leader in confronting poaching in East Africa, following successful confrontation of poaching in the early 1990s.¹⁹ Tourism has served as the primary driver for Nairobi's conservation efforts, and Kenyan efforts to improve law enforcement capability to address poaching has been incredibly successful with a practical rebound of elephant numbers for the country.²⁰ In large part this success has been due to

partnerships with organizations like Interpol and other groups from the international community. Kenya would support additional interaction from the international community to promote tourism and preserve the animals driving that tourism, so long as their state sovereignty is not challenged.²¹

- **Nigeria** is a booming center of the illegal wildlife trade in pangolins and the corruption that level of illegal wildlife trade attracts.²² There have been efforts to develop a comprehensive response through international partnerships, but issues persist.²³ Nigeria is open to working with the AU but is more hesitant in ensuring the efforts are efficient and effective in actually addressing the problems of the illegal wildlife trade.
- **Sierra Leone** remains encumbered in addressing their problems with the illegal wildlife trade due to the lack of a robust legislative framework and government capacity to address the

¹⁸ Schwartzstein, P. (2017, June 23). *Crocodile poaching booms as Egypt tourism crumbles*. National Geographic:

<https://www.nationalgeographic.com/animals/article/crocodiles-illegal-hunting-egypt-nile>

¹⁹ Warinwa, F., Kanga, E., & Kiprono, W. (n.d.). *Fighting Wildlife Trade in Kenya*. UN Chronicle:

<https://www.un.org/en/chronicle/article/fighting-wildlife-trade-kenya#:~:text=Combating%20the%20illegal%20wildlife%20trade, strategies%20to%20address%20wildlife%20crime>

²⁰ Interpol. (2021, March 2). *The Kenyan Officers on the front lines against wildlife crime*. Interpol:

<https://www.interpol.int/en/News-and-Events/News/2021/The-Kenyan-officers-on-the-front-lines-against-wildlife-crime>

; Makoni, A. (2021, January 14). *Wildlife crime convictions climb in Kenya - but poaching kingpins evade justice*. Independent:

<https://www.independent.co.uk/news/kenya-wildlife-poachers-illegal-b1588761.html>

²¹ Ibid.

²² Munshi, N. (2021, December 31). *Nigeria emerges as hub for illicit pangolin trade*. Financial Times:

<https://www.ft.com/content/fd581c7d-b2b5-41c1-b2c5-0b24e3db51a1>

²³ George, L. (2021, August 4). *Nigeria seizes record \$54 million in pangolin parts, elephant tusks*. Reuters:

<https://www.reuters.com/world/africa/nigeria-seizes-record-54-million-pangolin-parts-elephant-tusks-2021-08-04/>



challenge.²⁴ Like many other African states with weaker legal regimes and similar problems, working with the AU could help to provide a basis for legal revisions in order to assess the illegal wildlife trade within their borders.

- **South Africa** is a major hot spot for the illegal wildlife trade despite ongoing efforts to stop the process. The combination of addressing the lasting effects of the Zuma administration's corruption and high rates of crime have hobbled efforts to prevent poaching despite government efforts.²⁵ Still, South Africa remains a poster child for defending at-risk animals like rhinos and elephants, deploying anti-poaching units in the midst of a major uptick in the cases of poaching in the country.²⁶ This upswing makes South Africa leading voice in the AU on the issue of the illegal wildlife trade and potential models for replication across the continent.

Proposals for Action

These considerations have prompted new calls for action and highlight the potential avenues for action the AU could take. Some possibilities include:

- **Empower the African Union Development Agency** to reduce the economic drivers of poaching and illegal trading by developing the economies of

areas closest to wildlife preserves.

Additional development assistance to communities bordering wildlife reserves could be especially appealing. Foreign donors might be encouraged. But AU Member States will worry of initiatives that risk reductions of existing humanitarian aid programs. Member States also need to consider domestic tension created by favoring specific communities for help over other.

- **Enhance partnership with NGOs and IGOs** to develop a unified approach to combating the illegal wildlife trade in Africa. Rather than rely on the member States themselves, and their limited resources, the African Union could encourage its members to work with non-governmental organizations to protect their endangered wildlife and better support neighboring residents.
- **Create an AU endorsed school of wildlife protection** for anti-poaching military, police, conservation and economic development, based on the South African Model. The school would require facilities and funding, which would have to be found.
- **Release seized illegal wildlife trade products** for sale in specially created international markets. The funds could be designated for use in anti-poaching efforts, or for any other purpose the AU or its Member States agree.

²⁴ USAID. (n.d.). *Issues Brief: Sierra Leone*. Washington, D.C.: USAID. Retrieved from https://pdf.usaid.gov/pdf_docs/PA00WJN9.pdf

²⁵ Williams, C. (2019, November 14). *Southern Africa's Ongoing Battle Against the Illegal Wildlife Trade*. Australian National University: <https://law.anu.edu.au/news-and->

[events/news/southern-africas-ongoing-battle-against-illegal-wildlife-trade](https://www.theatlantic.com/science/archive/2020/01/war-rhino-poaching/604801/)

²⁶ O'Grady, C. (2020, January 13). *The Price of Protecting Rhinos: Conservation has become a war, and park rangers and poachers are the soldiers*. The Atlantic: <https://www.theatlantic.com/science/archive/2020/01/war-rhino-poaching/604801/>



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- **Instead of continuing to stress fighting illegal trafficking, accept it's persistence.** Member States could agree to legalize some aspects of the illegal wildlife trade, using the income to establish funds for conserving animals which may be more endangered. Choosing species to cultivate for exploitation or protection is a difficult question to be solved. This could be left to each Member State. Or an independent commission of experts could be created by the AU to make recommendations to the Member States.
- **Identify specific species for special protection,** such as encouraging funding to protect their natural ranges, to fund creation of reserves, and funding to facilitate criminal investigating and monitoring to halt illegal trade. Where the funding comes from will be a major

issue. Foreign donors might be encouraged. But AU Member States will worry of initiatives that risk reductions of existing humanitarian aid programs.

- **Encourage each AU Member State to deal with the issue itself.** In essence, this means do nothing. The AU would leave fighting corruption and the illegal wildlife trade as a national responsibility, not the purview of the AU. This option will be especially popular with Member States jealous of their sovereignty, distrustful of foreign intervention and the role of non-governmental organizations in their domestic affairs. This option also will appeal to governments afraid the poaching issue is a wedge to reduce their national authority generally.



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