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Poaching and the Funding of International Terrorism: A Case Study of Kenya

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A Project presented in partial fulfillment for a degree in Mater of Arts in International Studies,
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DECLARATION

I Elema Wario Saru declare that this is my original work and that it has not been submitted to any other Institution for an award of any degree.

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DEDICATION

This work is dedicated to my family Chukulis, Adano, Isaqo, Ali, Gumato and the youngest Abudo who could not understand why Daddy should be away to study at the National Defence College, Karen.

ABSTRACT

The study has the aim of determining whether wildlife poaching provides funds for terrorism. It sought to answer the question; “what is it that drives wildlife poaching and international terrorism and whether the two have had any relationship between 2011 and 2015?” The study further sought to establish the causes of wildlife poaching and the existing measures employed to curb the crime in Kenya. The scholarly literature reviewed has limited information on whether the two crimes have a relationship. The study objective assumed that there is a relationship between the two crimes and endeavoured to look for data to proof the same and found some relationship.

The theory used by the study is greed and grievance developed by Frances Stewart and Paul Collier which explains how greed and grievance is motivating poaching of rhinos and elephants and that the proceeds have been used in terrorism activities in Kenya between 2011 and 2015.

The methodology used by the study includes looking at the various sources of international terrorism funding and the role of wildlife poaching in terrorism in Kenya. The analysis of what mechanism was employed by Kenya in addressing the menace of wildlife poaching and its effects was made. The study established that proceeds from wildlife poaching had indeed funded terrorism in Kenya between 2011 and 2015 the difficulties of getting data/information notwithstanding.

The study findings are that terrorism organizations need resources to survive and accomplish its objective and destruction of its economic base will hinder its operations. The resources required by terrorists include, money and other negotiable instruments, tangible resource, i.e. material goods with monetary value and intangible resources which are not materials where monetary value cannot easily be attached but have been traded for money.

There are international, national and local levels of causes of poaching and the ever increasing demand for the illegal wildlife products where consumers are prepared to pay high prices for the product has been a constant reason for wildlife poaching. States employed various mechanisms in dealing with the scourge of wildlife poaching including law enforcement, stakeholders and community engagement and multilateral environmental agreements like CITES among others.

The study has contributed to the body of knowledge through its findings and policy recommendations of increasing collaboration among law enforcement agencies, sustained financial, technical and political support by the national and county governments and recognize wildlife sector as a key component of Kenya’s economy and include wildlife crime in the category of economic crimes. Implementation of national land use policy that restrict subdivision of marginal land especially those within wildlife migratory and dispersal areas, lobbying for international ban on trade in wildlife and their products during multilateral meetings like CITES conference of parties, enhanced political support in making trade in wildlife and their products very expensive venture, use of mutual legal assistance mechanism in repatriating seized wildlife and their trophies and extradition of international smugglers and traffickers to face trial in range States where wildlife poaching takes place are some policy recommendation made by the study.

List of Abbreviations

AMISOM	African Union Mission in Somalia
CAR	Central African Republic
CBD	Conservation of Biological Diversity
CITES	Convention on international trade in endangered species of wild fauna and flora
CMS	Convention on Migratory Species
COP	Conference of Parties
DNA	Deoxyribonucleic Acid
DRC	Democratic Republic of Congo
EAL	Environmental Action League
ETIS	Elephant trade information system
EU	European Union
FARC	The revolutionary armed forces of Colombia
FLN	Algerian <i>front de liberation nationale</i>
GPS	Global positioning system
ICCF	International conservation caucus federation
ICU	Islamic Court Union
IMF	International Monetary Fund
INTERPOL	International Police
IPK	Islamic Party of Kenya
IRF	International ranger federation
IUCN	International Union for Conservation of Nature

KDF	Kenya Defence Forces
KPA	Kenya Ports Authority
KRA	Kenya Revenue Authority
KWS	Kenya Wildlife Service
KWSLEA	Kenya Wildlife Service Law Enforcement Academy
LRA	Lord's Resistance Army
MEA	Multilateral Environmental Agreement
MIKE	Monitoring of illegal killing of elephants
NGO	Non governmental Organization
NIS	National Intelligence Service
NPS	National Police Service
OLF	Oromo Liberation Front
PAMS	Protected area management system
PFLP	Popular Front for the Liberation of Palestine
PIKE	Proportion of illegally killed elephants
PLO	Palestinian Liberation Organization
RENAMO	The Mozambican national resistance
RC	Ramsar Convention
SADC	Southern Africa development cooperation
TFG	Transitional Federal Government of Somalia
TICPI	Transparency International's corruption perceptions index
UAE	United Arab Emirates
UK	United Kingdom

UN	United Nations
UNCAC	United Nations Conventions against Corruption
UNCATOC	United Nations Convention against Transnational Organized Crime
UNEP	United Nations Environmental Programme
UNITA	National Union for the total independence of Angola
UNODC	United Nations Office for Drugs and Crime
US	United States
USA	United States of America
UNSC	United Nations Security Council
USD	United States Dollar
WBWGI	World Bank's worldwide governance indicators
WHC	World heritage convention
WW 1	World War one

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CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.0 Introduction

The chapter aims to determine whether poaching of elephants and rhinoceroses provided funds for terrorism in Kenya between 2011 and 2015 when both crimes escalated. It contains the background to the study, statement of the problem; objectives of the study, justification and significance, literature review, theoretical framework, methodology, study limitation and study structure.

1.1 Background of the Study

The Europeans who came to Eastern Africa in the 19th century found abundant herds of wildlife which they hunted indiscriminately leading to decline in wildlife population. This raised concern that hunting would lead to extinction of wildlife species and led to the colonial government taking measures to control hunting in East Africa through the East African Game Regulations of 1900 in response to a convention for the preservation of wild animals, birds and fish in Africa that was signed in London in 1900.¹ The earliest Game Regulation to control hunting was put in place in 1898 and the first department to protect wildlife in the British African territories was founded in Kenya in 1900.

Poaching of wildlife for trade rose and reached an unprecedented levels in the late 1980s especially elephants (*Loxodonta Africana*) and rhinoceroses (*Diceros bicornis*) in Africa. In the years between 2011 and 2015 the gains made after the ban on the international trade in the rhinoceroses and elephants in 1976 and 1989 respectively were lost after poaching of the two

¹ Kenya Wildlife Service, *Poaching Report*, KWS Printers, Nairobi, 2013, p. 1.

species escalated in Africa and in Kenya in particular. According to Kenya Wildlife Service (KWS)² there has been increased wildlife poaching in the five years of the study higher than the poaching crisis of 1970's and 1980's and this has drastically reduced the populations of elephants and rhinos on the continent of Africa.³ In Central Africa in only a month in 2012 over three hundred elephants were killed in Bouba N'Djida national park in Cameroon, twenty two elephants in Garamba national park of Democratic Republic of Congo (DRC) by poachers. Reports indicate that in Zakouma national park in Chad an estimated 90% of elephants were poached in the last ten years. Over 6 tones of elephant ivory seizure were made in the Far East in places like Manila and Taiwan in 2005 and 2009⁴ respectively an indication of increased poaching and trade.

The Central African elephant populations are on the verge of extinction and with the increasing demand for elephant ivory; poachers have turned to Eastern and Southern Africa populations. The Southern Africa elephant populations have been safe from poaching so far, but with ivory being the source of funds for organized crime including terrorism, the situation may change for the worse soon. This concern appears credible because there are reports of ivory seizures from Southern African countries in the consumer countries of South East Asia. Unless the factors driving poaching are checked, the Southern and Eastern Africa elephant and rhinoceroses populations are in danger of extinction. The number of poached elephants and rhinoceroses of Kenya has constantly increased since 2007 and in 2012 for instance, 30

² Kenya Wildlife Service, *Annual Report*, KWS Printers, Nairobi, 2013, p. 13.

³Douglas Hamilton, Swara, The voice of conservation in East Africa, January – March 2013:01, “*Time running Out to Save Elephants from Ivory Trade*”, East African Wildlife Society, Nairobi, P. 19.

⁴Christy Bryan and Brent Stirton, “*Ivory worship*”: A National Geographic Investigative Links Religious Art and Ivory Smuggling, National Geographic, October 2012, Vol. 222, No., 4.

rhinoceroses and 384 elephants were poached⁵ a number much higher than the previous year while in 2013 the number again increased significantly.

In lobbying the United States of America (USA) government to support Kenya's efforts to secure a ban on international trade in elephant ivory during the 2013 convention on international trade in endangered species (CITES) of wild fauna and flora conference of parties, the then KWS director visited Washington D.C. and before the USA Senate Committee made a presentation on global security. In the presentation he made a strong connection between wildlife poaching crisis in Africa and global insecurity. He told the committee that the killing of elephants and rhinos and the illicit trade in wildlife in Africa is linked to criminal networks and terrorist groups. The position was further supported by three others, Ian Douglas Hamilton of Save the elephant, a non government organization (NGO) of Kenya, Tom Cardamone of Global financial integrity and John Scanlon, CITES Secretary General before the same Committee.⁶

Intelligence and national security agencies around the world view international terrorism and organized crime as being closely related. This concern led the United Nations Security Council (UNSC) to adopt a resolution in 2001 and noted that there is a close link between international terrorism and transnational organized crimes.⁷ In Kenya the terrorist group Al Shabab has been active since the Islamic Court Union (ICU) radical group was thrown out of power in Somalia in 2010. The attacks began in low scale by bombing around the country and abducting government officials and foreign tourists. This led to the entry of Kenya Defence Forces (KDF) in to Somalia in 2011 and eventual removal of Al Shabab from their stronghold areas of the port city of Kismayu which was a key revenue generation hub for their terror

⁵ Kenya Wildlife Service, The Annual Report, KWS Printers, 2013, p. 16.

⁶Gatu Mbaria, *Poaching now a Serious Threat to Global Security*, Animal Welfare, African Network for Animal Welfare, Nairobi, July - September, 2012, vol. No. 5 p. 28.

⁷UN, Resolution of the UN Security Council on the connection of terrorism and organized crime, UN Printers, 2001.

activities. Reports posted on the Al Shabab terror network social media claimed that until Kenyan military withdraws from Somalia, terrorism attacks on Kenya will continue. As threatened, terror attacks increased significantly in the country with bombings and grenade attacks which claimed many lives and destroyed property worth millions of shillings after KDF incursion in to Somalia and eventual joining of African Union Mission in Somalia (AMISOM).

The first terrorist incident in Kenya occurred on 28th January, 1976 when the popular front for the liberation of Palestine (PFLP) shot at an El Al airliner during a stopover at Jomo Kenyatta international airport in Nairobi.⁸ The plot fortunately was unsuccessful due to the shared intelligence between Israel and Kenya. After four years the same group attacked the Norfolk hotel in Nairobi and killed 15 people. The attack was alleged to be revenge against Kenya for assisting Israel during the Entebbe rescue mission of Uganda in 1975⁹ for both attacks were on Israeli interests in Kenya.

In 1998 the American embassies in Nairobi and Dare es salaam were attacked at the same time by Al Qaeda terrorist group. In the Kenyan attack 200 people were killed and thousands injured.¹⁰ This incident showed the international dimension to terrorism in the country which the government of Kenya did not consider since the attack was made at the time when the Islamic Party of Kenya (IPK) was politically active at the Kenyan coast.¹¹ Investigations report later indicated that the American embassy bombing in Nairobi was made by a network of international terrorists based in Kenya.¹² The next major terrorist attack occurred in 2002 when foreign Al

⁸Vittori J., Bremer K. and Vittori P., Islam in Tanzania and Kenya: Ally or threat in the War on Terror? “*Studies in Conflict & Terrorism*”, 2009, 32 (1), 1075-1099.

⁹Mogire E. and Agade, K. M., Counter-terrorism in Kenya, *Journal of Contemporary African Studies*, 29 (4), 2011, 473-491, p. 474.

¹⁰Krause V. and Otenyo E., Terrorism and the Kenyan public, “*Studies in Conflict Terrorism*”, 2005, 28 (2), 99-112.

¹¹Prestholdt J., “Kenya, the United States and counterterrorism,” *Africa Today*, 57 (4), 3-27, 2011

¹²Vittori J., Bremer, K. and Vittori, P. “Islam in Tanzania and Kenya”, 2009.

Qaeda fighters bombed a hotel in Kikambala, Mombasa which was owned by an Israel national and again shot a surface to air missile at an Israeli commercial airline taking off from Mombasa airport.¹³

Terrorist attacks escalated and reached their peak in late 2013 when the Westgate shopping mall in Nairobi was attacked. Other major attacks were made at Mpeketoni in Lamu County, Tana River and Mandera in 2014 where many people were killed, injured and property destroyed. In April, 2015 a university in Garissa was attacked killing over 140 people majority of who were students. Alongside the terrorist attacks poaching of elephants and rhinoceroses also escalated around the same time. Intelligence agents and national security officials observed the trends of terrorist attacks and poaching of rhinoceroses and elephants in the Horn of Africa and especially in Kenya and questioned whether there is a link between the two crimes. They suspected that poaching of elephants and rhinoceroses could be funding terror activities in the region.

Reports from the US security teams also suggested that there is a possibility that proceeds from wildlife poaching could be funding terrorist activities around the world especially in Uganda, DRC and Kenya to finance Lord's Resistance Army (LRA), the Janjaweed and Al Shabaab respectively between 2011 and 2015. There is some evidence to link wildlife poaching and international terrorism especially the LRA and the Janjaweed where a study conducted by the National Geographic which was reported on a Kenyan local Television in 2015 indicated that proceeds from elephant poaching in DRC and Central African Republic (CAR) has funded terrorist activities in Uganda and Darfur conflict of Sudan. This study gathered information to

¹³Adan Maj., 2005. "*Combating transnational terrorism in Kenya*", Defense Technical Information Center.

confirm or otherwise the link of poaching of rhinoceroses and elephants and terrorism in Kenya between 2011 and 2015 and found some evidence.

1.2 Statement of the Problem

Conservation and management of wildlife resource in Kenya has had challenges since colonial times. The abundant wildlife species has been on constant decline especially the large mammals with elephants and rhinoceroses being the main target for poaching. Elephant and rhinoceroses poaching was the highest between 2011 and 2015 after only recovering from the massive poaching of the 1980s. The five years witnessed poaching of these endangered species increase threefold as shown by the elephant and rhino mortality databases of CITES and KWS. This unprecedented poaching raised serious concerns among the conservation fraternity and the international community.

The Republic of South Africa which hosts about 80% of the African rhinoceroses' population has the number of poached rhinoceroses increase from 13 in 2007 to over 1000 in 2013. Central Africa has lost over 60% of its elephant population to illegal killing in the last ten years. The number of Kenya's poached rhinoceroses and elephants also increased threefold from an average of a hundred to more than three hundred yearly between 2011 and 2015.

What appears to give credibility to the allegation that poaching has become a source of funding for international terrorism is the fact that international terrorism also increased tremendously between 2011 and 2015 around the continent and especially in Kenya. The fundamental question that begs an answer is, whether poaching of rhinos and elephants provided funding for international terrorism in Kenya. This study was launched to establish whether

proceeds from poaching of rhinoceroses and elephants are a source of funding for international terrorism in Kenya alongside other sources.

1.3 Objectives of the Study

To determine the possibility of poaching of elephants and rhinoceroses providing funds for terrorism in Kenya between 2011 and 2015 when both crimes escalated. The specific objectives of the study are:

1. To establish source of funding for terrorism in Kenya.
2. To ascertain possible causes of poaching of elephants and rhinoceroses in Kenya.
3. To establish the role of wildlife poaching in terrorism in Kenya.
4. To establish measures used by Kenya in dealing with wildlife poaching.

1.4 Justification and Significance of the Study

First, analysis of existing body of knowledge shows clearly that there has been progressive loss of wildlife population generally but specifically the elephant and rhinoceroses species as a result of poaching in Africa and in Kenya in particular. Conservation of the endangered species of rhinoceroses and elephants must be undertaken to ensure a viable population for sustainable development of the African range States. Second, there is a knowledge gap in terms of whether poaching of rhinoceroses and elephants are funding international.

It has further been observed that the existing national policy framework of Kenya appears not to provide adequate guidance for wildlife conservation for national development. It cannot be gainsaid therefore, that the security model used for both human and wildlife in Kenya is not working adequately given the fact that poaching of wildlife and terrorism is seriously undermining the socio-economic development of the African countries and especially Kenya.

This study explored the possibility that poaching of the endangered rhinoceroses and elephant species had funded terrorism in Kenya during the period of the study.

Third, the finding of the study would contribute to the enhancement of wildlife sector reform and conservation. The study would also generate information to enrich legal and policy regimes which will promote conservation and management of wildlife in Kenya.

1.5 Literature Review

Human beings were meant to be stewards of the planet earth and its resources, but before long humans contributed to climate change, polluted water, depleted the forests and made the planet earth to be uninhabitable. In the process of exploiting and developing the earth man has taken up almost all the space available and left other species without a habitat giving rise to a dangerous conflict. Human beings have misused the God given opportunity to create, innovate and made it to an opportunity to load on other creation as opposed to being a good steward of the earth as planned by God. The same selfishness has made other species to be extinct.¹⁴

The ever growing human population has made virtually all other species especially the large mammals which require large space to roam about confined to small habitats which is inadequate for their survival showing the failure of man's stewardship and becoming an earth predator. When man destroys a species or a part of the ecosystem which is inter-linked and interdependent, then, it weakens the life chain including human life. This is because there is only one planet earth with sufficient resources for human needs and can not satisfy man's greed.

¹⁴Panjabi R. Khooshie Lal, *For Trinket, Tonics and Terrorism: International Wildlife Poaching in the*

At the turn of the 20th century it is estimated that there were around 5 million elephants on the African continent which reduced to 1.3 million by 1979 and a mere 600,000 in 1990.¹⁵ Elephant population world over is estimated to be about 500,000 in 2013¹⁶ and about 400,000 in Africa, more than a half of which are found in Botswana, Tanzania, and Zimbabwe,¹⁷ with the rest in the remaining 35 nations with elephants. International monitoring group of elephants estimate that in 2011, 25,000 African elephants were poached while¹⁸ in 2012 the International Union for the conservation of nature (IUCN) estimate about 22,000 was killed all over the world and ivory worth USD 552 million smuggled to the consumer markets around the world.¹⁹ Kenya has 35,552 elephant population by 2014 up from 16,000 in 1989 when CITES banned trade in elephant ivory and down from 167,000 in 1973 as shown by the graph below. The main cause of this very sharp decline is poaching for ivory business.

Twenty-First Century, Georgia Journal of International and Comparative Law

¹⁵Merrill Goozner, “*Elephants or Fancy Signature? Ivory Ban Worries Japan’s ‘Hanko’ Carvers*,” Chi. Trib. (Sept. 20, 1992),

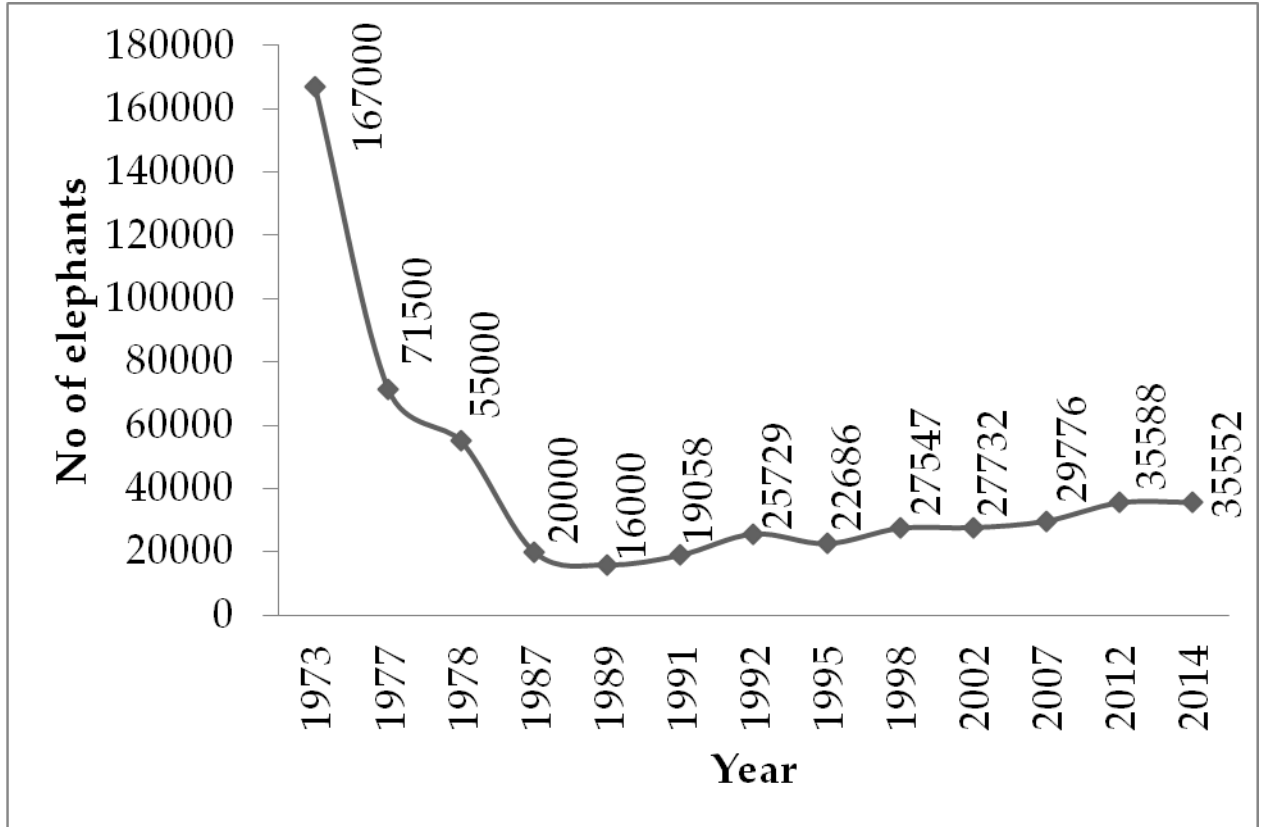
¹⁶Rich Lowry, *Pity the Elephants*, National Revelation, (Aug. 2, 2013),

¹⁷*Elephants in the Dust: The African Elephants Crisis*, A Rapid Response Assessment 6 (Christian Nellemann and others. eds., 2013).

¹⁸“*New figures Reveal Poaching for the Illegal Trade Could Wipe out a Fifth of Africa’s Elephants over Next Decade*”, CITES.org (Dec. 2, 2013)

¹⁹Varun Vira and Thomas Ewing, “*Ivory’s Curse: The Militarization & Professionalization of Poaching in Africa*”, (May, 2014).

Figure 1- Elephant Population Trends of Kenya



Source: KWS database as at 2014

As shown by the figures in the graph elephant population recovered gradually from the devastating poaching of the 1980s but from 2007 to 2013 again it increased reaching its peak in 2013. It is worth noting that this is the period when CITES allowed the Southern African countries of the Republic of South Africa, Botswana, Namibia and Zimbabwe a one-off sale of their national stock to Japan and China. Curiously, during the same period terrorism also increased especially between 2011 and 2015. The logical question asked by experts then was; is there any link between the increase in poaching of elephants and rhinoceroses and the increased terrorist attacks in Kenya?

Elephants and rhinoceroses are being exterminated for their tusks as the prices are increasingly going up. However, the prices vary from one country to another and usually the quality, size, and origin of the animal is a major determining factor. The price is determined by the bribes given, risks involved especially faced by poachers and the trafficking operation challenges experienced through out the route from the source in Africa to the destination in Asian continent. On average the elephant ivory price is estimated to be ranging from USD 1,000 to 1, 500 per kilogram in the consumer black market of Asia in 2014 according to some source.²⁰

China the largest ivory market in the world has had elephant ivory price increase from USD 157 a kilo in 2008 to USD 7,000 a kilo in 2011.²¹ According to UN estimate elephant ivory trade is approximately USD 100 million²² and although these are but estimates, the fact that the illicit trade in rhino horn and elephant ivory is an extremely lucrative business is not in doubt. The scourge of wildlife poaching all over the world is about plundering of wildlife by some people and others investing resources to discourage it as the awareness on the same grows. It has been observed that governments of range States do not appear to do sufficient in addressing the poaching crisis and contain the tragedy of wildlife poaching. The table below shows rhinoceroses population of Africa as at 2012. Angola and Mozambique each have only one rhinoceros while South Africa with the highest population has around 20,000 individuals. Despite its big population South Africa has increasingly lost rhinoceroses averaging about one thousand individuals a year and constantly increasing.

²⁰ Susan, Donaldson, “*Ivory Trade, Aid Animals!*”, (March 22, 2014)

²¹ Alexander Wexler, “*Chinese Demand Revives Ivory Trade*”, Wall St. j. (Sept. 20, 2011)

²² “*A Heinous Crime for Trinkets and Chopsticks: Elephant Family of 12 Slaughtered as poaching on the Rise*”, National Post, (January. 9, 2013).

Table 1 - Rhino Population of Africa - 2012

Country	White Rhino	Black Rhino	Total
South Africa	18,910	2,044	20,954
Namibia	524	1,750	2,274
Kenya	394	631	1,025
Zimbabwe	283	422	705
Botswana	185	9	194
Tanzania	Nil	127	127
Swaziland	84	18	102
Zambia	10	27	37
Malawi	Nil	26	26
Uganda	14	0	14
Mozambique	1	0	1
Angola	Nil	1	1
Totals	20,405	5055	25,460

Source: CITES database as at 2012.

Globalization has aided poaching alongside organized and transnational crimes by bringing down State boundaries.²³ In actual fact, globalization has made it easier for transnational crimes to increase and become successful including poaching and terrorism. The illicit wildlife business is about the illegal purchase, movement and distribution, abroad and locally of wild animals and their parts and derivatives,²⁴ beginning with wildlife poaching. Elephants and rhinoceroses are charismatic and keystone species very important in the survival of biodiversity and are also part of the African big five mammals which are flagship species for African wildlife based tourism business and this study has the aim of establishing the causes and possible solution to the poaching crime in Kenya.

The international community through the United Nations have been alive to this poaching crisis and created instruments and made resolutions aimed at ending the wanton killings of this magnificent animals. However, it has been observed that the poaching menace is not absence of good policies but rather its implementation. It is worth noting that many African ranges States of elephants and rhinos are undergoing turmoil, violence, terrorism and extreme poverty impairing their ability and capacity to address the crisis. Plenty of literature exist which clearly indicate how these animals are violated for the sole purpose of gratifying man's greed but unfortunately Panjabi observes that the lack of consistent, coherent and solid plan of action aimed at saving these wild creatures at the global level is contributing to the unabated poaching.²⁵ However, he notes that there is something being done by some States by allocating and utilizing lots of resources to fight poaching menace of elephants and rhinoceroses. He further observes that

²³ "A Heinous Crime for Trinkets and Chopsticks: Elephant Family of 12 Slaughtered as poaching on the Rise".

²⁴ Lilian Wyler and Pervase Sheikh, Cong. Research Serv. RL34395, International Illegal Trade in Wildlife: "Threats and US Policy P", 2008.

²⁵ Panjabi R. Khooshie Lal, *For Trinket, Tonics and Terrorism: International Wildlife Poaching in the Twenty-First Century*, p. 5.

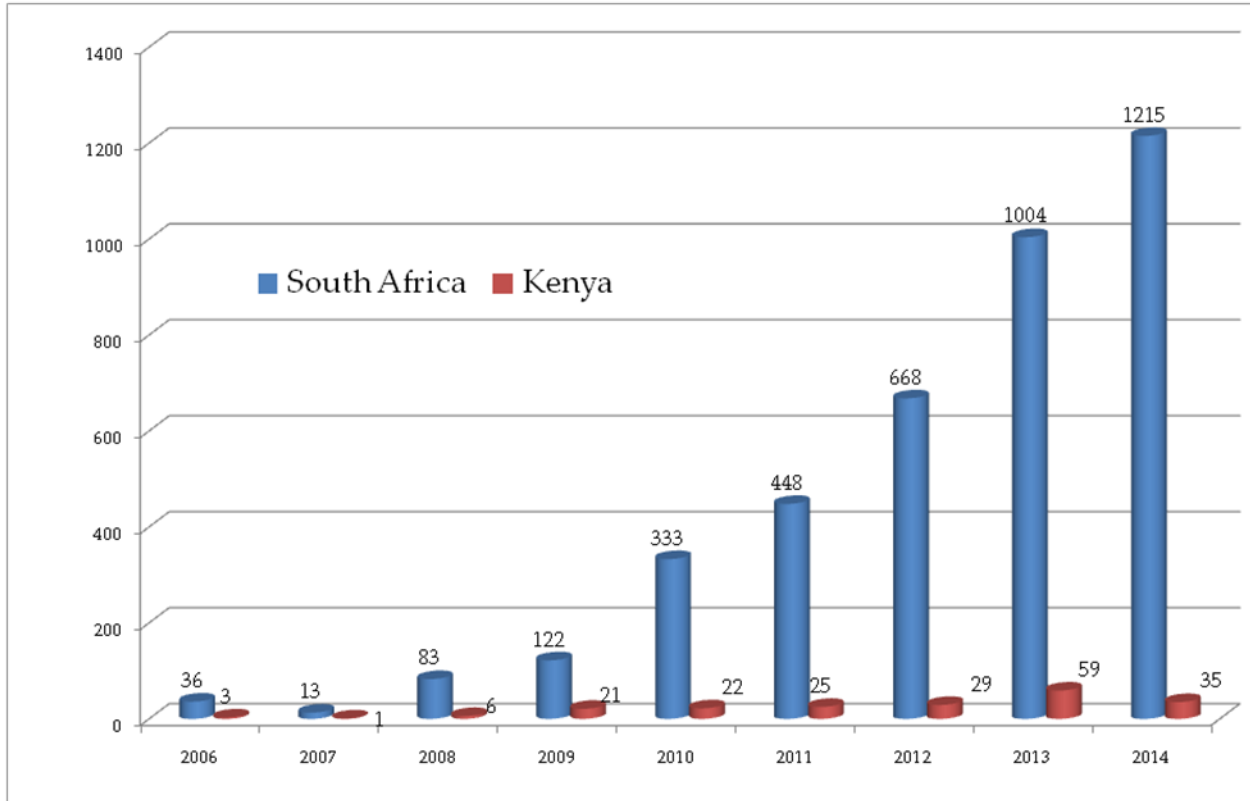
fighting poaching alone is not the answer to the wanton killings of wildlife until and unless wildlife is appreciated as important neighbours of man and not a mere economic commodity to be used by human beings.

This crime according to Panjabi is committed by poachers who have many reasons but he sees poverty as a critical factor. Poachers he says, use poor local people who are enticed to poach and valuable trophies stolen. Wildlife crime is not committed by poachers alone but by international criminal groups who are experienced, have expertise and sophisticated technology to poach wildlife and traffick their products. The phenomenon of globalization has also aided and encouraged illicit trafficking and trade in this crime making it both a poaching and smuggling crimes.²⁶

²⁶Save the Rhino International, "*Poaching*".

Figure 2

RHINO POACHING CASE : SOUTH AFRICA & KENYA



Source: KWS database as at 2014

The graph above shows the gradual increase in rhino poaching in Kenya and South Africa reaching its peak in 2013 and 2014 respectively. Kenya's rhinoceros's mortality due to poaching has been negligible until in 2008 when 6 rhinoceroses were poached, increasing to 21 the following year, jumping to 25 in 2011, 29 in 2012 and 59 in 2013. Between 2011 and 2015 when rhinoceroses poaching doubled, terrorist attacks in Kenya also increased significantly. This simultaneous increase alarmed the security apparatus and many alleged that the finances from rhinoceroses poaching are funding terror activities in Kenya.

Rhinoceroses are known to have lived on the planet earth for million years²⁷ in all continents except Americas²⁸ and in 1970s and 1980s, it is estimated that almost 85% of their population was poached²⁹ with extinction becoming real, if the trend is not reversed. Rhinoceroses became extinct in Europe and almost extinct in Asia leaving the African population as the only viable population as at 2012³⁰ of which 98% inhabit South Africa, Namibia, Kenya and Zimbabwe.³¹

It should be noted that it is not only information about poaching but also about wildlife numbers which is not readily available. This is because wildlife poaching is undertaken in a secretive manner in far flung areas and transactions are mainly in cash without records or trails left behind. This is one of the reasons why poaching investigation is very difficult for it is a clandestine and concealed affair. Challenges notwithstanding, it is evident that wildlife poaching is a very lucrative and least dangerous criminal activity world over. The crime of poaching not only kills wildlife but also those involved in their protection, observes Kaberuka.³² According to an estimate by the International ranger federation (IRF) around 1,000 wildlife rangers and officers have been gunned down in 35 countries of Africa in the last ten years.³³ 13 rhinoceroses were poached in South Africa in 2007, jumping to 448, 668 and 1,004 in 2011, 2012 and 2013 respectively according to the UN Office on Drugs and Crime (UNODC).³⁴

²⁷Julie Ayling, What Sustains Wildlife Crime? “*Rhino Horn Trading and the Resilience of Criminal Networks*”, 16 Journal for International Wildlife Law and Policy, 2013, 57, 57 – 80.

²⁸Lixin Huang, “*Traditional Chinese medicine and harmony of the planet*”: Lixin Huang at TEDxWWF, World Wildlife Fund (June, 2012)

²⁹ Lixin Huang, “*Traditional Chinese medicine and harmony of the planet*”, (June, 2012).

³⁰ Julie Scardina, and Jeff Flocken, Wildlife Heroes, “40 Leading Conservationists and the Animals they are Committed to Saving”, 2012, pp. 50-51.

³¹Sixteenth Meeting of the Conferences of Parties, Bangkok, Thailand, CITES (March 2013)

³²Donald Kaberuka and Jim Leape, “*Breaking the Gridlock on the Global Wildlife Crime Crisis*”, Aljazeera Am, (May 26, 2013)

³³AFP, “*Ruthless Crime Gangs Driving Global Wildlife Trade*”, Hindustan Times of India, (September 3, 2013)

³⁴UN Office on Drugs and Crime, “*Environmental Crime: Trafficking in Wildlife and Timber*”,

Yury Fedotov estimates the economic value of wildlife crime to be around USD 2.5 billion³⁵ spread across the black market beginning with poaching and their financiers at the source in African range States to trafficking and importers in the consumer markets in Asia.³⁶ In the 1970's and 1980's Richard Ellis notes that the price of rhinoceros horn rose from between USD 35 to 9,000 per kilogram³⁷ but when sold in powder form for medicinal reasons it can fetch on average USD 25,000 per kilogram much higher than the price of gold.³⁸ For example, a rhinoceros's horn was more valuable than gold and platinum in the world black market fetching up to USD 150,000 on average per horn in 2014.³⁹

Terrorists have been seen as major agent or middle-party involved in wildlife poaching in Africa especially of elephants and rhinoceroses. It is increasingly believed that there is a symbiotic relationship between poaching syndicates and terrorist organizations. However, much of the allegation is an account of eyewitnesses with limited evidence but the story seem to be corroborated by the desperate need of terrorists for finances especially after KDF dislodged Al Shabaab terror group from the revenue lucrative locations like the port city of Kismayu and other areas in Somalia.⁴⁰ Similarly, the ever increasing demand of elephant ivory and rhinoceros's horn in South East Asia encouraged by the high number of middle class getting rich every year and supported by the phenomenon of globalization is making poaching proceeds a critical component in the financing of international terrorism.⁴¹

³⁵Yury Fedotov, "*How Tracking Their Financial Footprint Can Keep from the Animal Trail*", (March 3, 2014)

³⁶Alistair Doyle, "*Three Nations Do Least to Halt Trade in Animal Parts*" – *WWF, Chi. Trib.* (July 22, 2012)

³⁷Richard Ellis, "*Poaching for Traditional Chinese Medicine*", European Association of Zoos and Aquaria, available at URL: http://www.rhinosourcecentre.com/pdf_files/117/1175857527.pdf, retrieved on 22/10/2015, 2005.

³⁸Richard Ellis, "*Poaching for Traditional Chinese Medicine*".

³⁹Marwaan Macan-Markar, "*In Vietnam, Rhinos Worth Their Weight in Gold*, *Inter-Press Service*". *News Agency*, (May 15, 2013)

⁴⁰International Convention for the Suppression of the Financing of Terrorism, G. A. Res. 54/109, UN Doc. A/RES/54/109 (Feb. 25 2000).

⁴¹Catrina Stewart, "*Illegal Ivory Trade Funds Al-Shabaab's Terrorists Attacks*", *Independent* (Oct. 6, 2013)

According to the International conservation caucus foundation (ICCF) proceeds from wildlife poaching is the lifeline for terrorist groups operating within Africa.⁴² However, the problem associated with the nexus of wildlife poaching and terrorism is the fact that evidence is difficult to get and therefore it looks as though the two crimes may not be related and investigation in to the crime have posed a challenge for terrorists undertake their activities in high secrecy in small cells, clandestine operations, hidden identities and information is concealed to even their members.⁴³ Terrorist members face dare consequences when they leak information and therefore, to get information about their operations is a serious challenge and that is why terrorism poses a major threat to national security of almost all countries of the world.

Poaching of rhinoceroses and elephants to finance terror operations in Africa and specifically in Kenya is a relatively easier venture given the fact that wildlife is easily accessible in the remote areas, availability of modern weapons, improved communication and above all the high price ivory and rhinoceroses horn fetch in the international black market to finance not only terror activities but rebels and militias across Africa according to a National Geographic study in the DRC aired on a Kenyan local television station in 2015.⁴⁴ World leaders especially USA and Kenyan officials have expressed concern about this growing connection between terrorism and wildlife poaching and have made policy pronouncements on behalf of their governments and States that wildlife protection is a ‘national security issue’.⁴⁵ For example, Hillary Clinton the former Secretary of State of USA observed that there is a “growing evidence that terrorist groups

⁴²James A. Foley A. “*Elephants and Rhino Poaching Increasingly Linked To Terrorist Groups*”, Nature World News, (September 28, 2013)

⁴³James A. Foley, “*Elephants and Rhino Poaching Increasingly Linked To Terrorist Groups*”, Nature World News.

⁴⁴Nation Media Group Television show on National Geographic study in the DRC (August, 24th 2014, 2100hrs), Nairobi.

⁴⁵“*Africa, US official Flags Poaching as Security Threat, AllAfrica*”, (February 21, 2013),

stalking Africa are funding their activities from elephant ivory trafficking”⁴⁶ and she provided funds to combat elephant poaching to some Africa countries. This initiative made some African countries including Botswana, Cote d’Ivoire, Gabon, Kenya, South Sudan, Malawi and Uganda to make a commitment to fight wildlife poaching and trafficking business through banning domestic trade in ivory.⁴⁷

Other world leaders who expressed similar sentiments is Brooke Darby the United Kingdom (UK) deputy assistant secretary of State who claimed that terrorist organizations involved in wildlife crime include Al Shabaab, LRA and the Janjaweed of Sudan.⁴⁸ He also noted that the Somalia based Al Shabaab which is an affiliate of Al Qaeda is closely associated with the poaching crime in the horn of Africa. It is reported that Al Shabaab finances about 40% of its activities through ivory proceeds⁴⁹ and it is further accused of rhinoceroses poaching in Kenya according to Stewart Catrina.⁵⁰ Al Shabaab claimed responsibility for the Westgate shopping mall terror attack of Nairobi in September, 2013 where 67 people were killed.⁵¹ Stewart further notes that the group is alleged to have an army of about 5,000 fighters⁵² who receive better salary than most African soldiers and law enforcement officers.⁵³

The terrorist group is further said to make commercial poaching gang pay ‘ivory tax’⁵⁴ and according to Saunders, the Tsavo Trust director, “ivory is a source of revenue too convenient

⁴⁶Elizabeth Kolbert , “*Save the elephants*”, New Yorker (July 7, 2014),

⁴⁷Paula Kahumbu, “*Us Wakes Up to Illegal Ivory Trade*”, The Guardian of (October 2, 2013),

⁴⁸William Eagle, “*Global Governments Identify Africa’s Criminal Poachers*”, and Voice of Am. (June 11, 2014),

⁴⁹ Catrina Stewart, “*Illegal Ivory Trade Funds Al-Shabaab’s Terrorists Attacks*”, p. 34

⁵⁰*The African Poaching Crisis*, International Conservation Caucus found,

⁵¹Michael Marshall, “*Elephant Ivory Could Be Bankrolling Terrorist Groups*”, Newscientist (Oct 2, 2013),

⁵²Catrina Stewart, “*Illegal Ivory Trade Funds Al-Shabaab’s Terrorists Attacks*”, P. 34

⁵³ Nir Kalron and Andrea Crosta , “*Africa’s White Gold of Jihad: Al-shabaab and conflict Ivory*”, Elephant Action League (2011 -2012),

⁵⁴Nir Kalron and Andrea Crosta, “*Africa’s White Gold of Jihad: Al-shabaab and conflict Ivory*”.

for Al Shabaab to ignore and it would be naive to think otherwise”.⁵⁵ Reports also indicate that Al Shabaab have acquired a good reputation and business practice for they offer high price and timely payment for wildlife contraband, making poachers, dealers and traffickers prefer their business deals.⁵⁶ An undercover investigation conducted by Andrea Crosta in 2011 and 2012 about elephant poaching in Kenya where he spoke to those involve in poaching and trafficking established that ivory is sold to Al Shabaab who in turn sell to markets in Asia at a much higher profits margins.⁵⁷ The investigation reports that ivory is shipped by Al Shabaab through different routes to global black markets⁵⁸ and as a result Andrea christened ivory “white gold of Jihad.”⁵⁹

Terrorism resourcing in Kenya is mainly through smuggling of goods through Ras Kamboni and Mandera along the Somalia – Kenya border according to a report by Ken Opala carried in the Kenyan daily newspaper, the *Daily nation* in 2009.⁶⁰ The smuggling racket he reports is financing the terrorist group who are constantly attacking Kenya. The contraband commodities which are sold in Kenya cheaply because import duty charges were not paid are sugar, fake electronics and clothes, rice, pasta and maize flour. The Journalist quotes the Customs officials of the then North Eastern province who estimates that around ten thousand bags of sugar is estimated to be coming in to Kenya from Somalia on daily basis carried by lorries, vehicles and donkey cart. These goods eventually end up in virtually all major urban centres in Kenya.⁶¹

⁵⁵ Ian Saunders, “*Applying the Lessons from Iraq and Afghanistan to the Poaching Crisis*”, ICCF (April 8, 2013),

⁵⁶ Nir Kalron and Andrea Crosta, “*Africa’s White Gold of Jihad: Al-shabaab and conflict Ivory*”, P. 45

⁵⁷ Michael Marshall, “*Elephant Ivory Could Be Bankrolling Terrorist Groups*”, P. 43

⁵⁸ William Eagle, “*Somalia’s Insurgents Turn Ivory into Big Export Business*”, Voice of America, (June 12, 2014),

⁵⁹ Barrett Melissa, “*Terrorist Groups Profiting from the Poaching Trade in Africa*”, *Defence Web*, (Nov. 29, 2013),

⁶⁰ Ken Opala, “*Dreaded Somali Terrorist group taps into sugar racket*”, *Daily Nation*, (April 10, 2009)

⁶¹ Ken Opala, *Daily Nation*, (April 10 2009).

1.6 Theoretical Framework

In studying terrorism scholars have developed several theories and approaches with the objective of answering the question, why does terrorism take place and what are its causes or motivations? The terrorism theories include the political theory of anarchism, political theory of fascism, philosophical theory of religion, economics theory of rational choice, sociological theory of terrorism, psychological theory of terrorism, psychiatric theories of mental illness and biological theories of terrorism. For example, according to the political theory of anarchism terrorism is a criminal act which interferes with the value system of the society that is usually open and democratic. Anarchism is a governance theory that is opposed to a central authority, and prefers another form of societal organization. Anarchism is also understood as the 19th century roots of terrorism and was first used in 1840 by Pierre-Joseph Proudhon. By definition anarchism is to reject a State by any form but mainly through coercion, domination and exploitation of government.⁶²

Those who subscribe to the anarchism theory believe in the view that anarchy is brought about through self-liberation which is gotten from oppression and coercive regimes. Anarchism is not about bombing, blood shed and creation of chaos but rather they target institutions and structures while on the other hand terrorist groups target the people and individuals. Majority of terrorists have religion as their motivating factor for they believe that their terror activities are demanded and approved by god. The philosophical theory of religion states that terrorism cause is sacred and they hope in the future and hence, vengeance for the past actions becomes mandatory.⁶³

⁶²Jeff Ferrell, Anarchist Criminology and Social Justice, in Bruce Arrigo (ed.) *"Social Justice/Criminal Justice."* Belmont, CA: Wadsworth, 1999, pp. 91-108.

⁶³Bruce Hoffman, *"Holy Terror"*, Santa Monica: Rand, 1993.

The sociological theories of terrorism include the frustration - aggression hypothesis, the relative deprivation hypothesis, the negative identity hypothesis, the narcissistic rage hypothesis and the moral disengagement hypothesis. For instance, the frustration - aggression hypothesis is about frustration that leads to aggression and that aggression relieves the frustration in some way. The psychological theory on the other hand explains that most terrorists feel that they are doing nothing wrong when they kill, injure people and destroy property. They seem to share a feature of the psychological condition known as antisocial personality disorder or psychopathic personality disorder which is reflected by an absence of empathy for the suffering of others.⁶⁴

In the wildlife poaching study there are three theories which may be used to understand the illegal killing of wildlife, namely differential association theory, neutralization theory and industrial capitalism/deviance theory. For example, some studies have found that poachers rationalize their activities and use neutralization techniques in order to reduce cognitive dissonance associated with norm violation. According to Forsyth and Marckese, there are three categories of rationalizations used by poachers in order to excuse and justify their participation in this illegal activity which show other people as being bad while the poacher's behavior is good and gives them guidance for they are good people.⁶⁵ However, for the purpose of this study I used the theory of greed and grievance approach developed by scholars Frances Stewart and Paul Collier to explain how greed and grievance is motivating poaching of rhinoceroses and elephants and the proceeds used in terrorism activities in Kenya. Terrorists around the world have grievances against States they wage war against and to wage that war they need economic

⁶⁴Lawrence Cohen and Marcus Felson, 1979, Social Change and Crime Rate Trends: A Routine Activities Approach, *American Sociological Review* 44: 588-608, 1979.

⁶⁵Forsyth C.J., and Marckese, T. A. Thrills and skills, "A sociological analysis of poaching, *Deviant Behavior*", 14, 1993, pp. 157-172.

resources to finance their terror activities. Terrorists may be motivated by political, religious or cultural grievances against the State (s) or societies they wage war against.

Terrorism today claims religious grievance against Western powers and their allies. For example, the Al Shabaab terror group which is an affiliate of Al Qaeda is motivated by creating Caliphate States in the Horn of Africa. The greed approach as explained by Paul Collier motivates the Al Shabaab to control key towns in Somalia for economic gain and greed. When the regional powers established a government in Somalia and deployed AMISOM peacekeeping forces, Al Shabaab acquired a grievance that foreigners are occupying their country and hence terror attacks intensified in Kenya, Uganda and Burundi in an effort to compel them to withdraw their soldiers from Somalia. To finance their activities poaching of rhinoceroses and elephants, an easy target with good returns became the source of funding in addition to other sources. Although greed and grievance theory was developed to explain civil wars, I used it also to explain how it is motivating terror activities and poaching of rhinoceroses and elephants in Kenya and in the Horn of Africa.

1.7 Methodology of the Study

The study uses qualitative method of data collection which is a purposive non-probability research design which targets a small group of respondents with knowledge and experience on the research subject. Respondents were identified through snowballing technique. Primary data was collected with the aid of interview guides administered to key informants from KWS security officers and other government security agencies (NIS, NPS, and KDF) knowledgeable in the field of wildlife poaching and terrorism. An unstructured (open ended) interview guide was

used to collect data as described in Nachmias and Nachmias.⁶⁶ Respondents were interviewed by the researcher personally to ensure the questions were understood and correct responses were recorded in person by the researcher. The open ended questions were found suitable to enable the respondents to freely express their views about the study without restriction as the case is in a structured questionnaire/interview guide where choices are given.⁶⁷ First, open ended questions do not limit the respondents in answering them, second, they are easier to administer for the respondents are people with knowledge and experience in the subject of the study and third, it is not expensive to use.

Interviews were further used in group discussions to collect data from junior law enforcement officers of KWS deployed in intelligence, investigation and anti-poaching duties. Secondary data was collected through journals, magazines, books, government documents like annual reports, security databases and electronic materials in the internet. Poaching of rhinoceroses and elephants and terrorism information were accessed from KWS database and national police counter-terrorism records of between 2011 and 2015. Newspaper reports on wildlife poaching and terrorism incidents were used to gather information on poaching and its possible relationship with terrorism. The newspapers include the *Daily nation*, *Sunday nation*, *The Standard* and *the Standard on Sunday* for the period 2011 to 2015.

The data collected was analysed using qualitative approach for it could not be reduced to numbers. The data was further subjected to interpretation in order to make meaning out of it and deductive approaches were also used.

⁶⁶Nachmias C. Franfort and David Nachmias, "Research *Methods in the Social Sciences*". Fifth Edition, St. Martin's Press, Inc. 2005, p. 253.

⁶⁷Olive Mugenda and Abel Mugenda, "*Research Methods, Quantitative and Qualitative Approaches*", Acts Press, 1998, P.73

The report presentation is through detailed literature review, the study purpose and the methodology employed in the study. The study report is an interpretation of results and the theoretical framework used in the analysis as is applicable. The findings are about the policy and its practice.

1.8 Study Limitation

The study assumed that the target respondents would be available and willing to honestly respond to the interview guide questions. Given the sensitive nature of the study in terms of its illegality, life threatening and the benefit accrued especially from wildlife poaching, the study assumed that the respondents would trust the researchers' assurance and accept to reveal the happenings in terms of the possible relationship of poaching of rhinoceroses and elephants and terrorism in Kenya. It is further assumed the study would receive the envisaged support and facilitation from the college for it to materialize.

1.9 Study Structure

The study report is categorized in to six chapters. Chapter one is an introduction to the study and has the proposal which has the objectives of the study, justification and significance of the study, literature review, brief facts about wildlife poaching and terrorism resourcing and whether funds from elephant and rhinoceroses poaching provided finances for terrorism activities between 2011 and 2015 in Kenya.

Chapter two discusses the sources of funding for terrorism generally and in Kenya specifically. The background of terrorism and its evolution is traced. The chapter also looked at terrorism in Kenya, terrorism resourcing, types of terrorism resourcing and terrorism resourcing in the Horn of Africa and in Kenya.

Chapter three is on the causes of poaching of rhinoceroses and elephants in Kenya generally and between 2011 and 2015 and the reason(s) for poaching and terrorism escalating simultaneously. The chapter looked at types of poaching and markets for elephant ivory and rhinoceros horn. Further some secondary data was captured on the numbers of elephant and rhinoceros populations in Kenya and South Africa and elephant ivory and rhinoceros horn seizures for a given year.

Chapter four is on the role of poaching in international terrorism. It looked at how wildlife poaching has funded terrorism in Kenya. That is, the nexus between wildlife poaching and terror activities in Kenya between 2011 and 2015 when both crimes escalated.

Chapter five is about measures used by Kenya in dealing with wildlife poaching. It looked at law enforcement, stakeholders and community engagements and the multilateral environmental agreement – CITES among other strategies and its effects on curbing wildlife poaching.

Chapter six summarizes and brings together findings and provides explanations. It concludes and gives policy recommendations of the study as derived from the findings.

CHAPTER TWO

SOURCE OF FUNDING FOR INTERNATIONAL TERRORISM

2.1 Introduction

The previous chapter is an introduction to the study and has the proposal which outlined the objectives of the study, methodology and theoretical framework among other sub-topics. Chapter two discusses the sources of funding for international terrorism with emphasis on Kenya.

2.2 International Terrorism

The term terrorism has its origin in French language 'la terreur' which was first used during the French revolution in 1789 and has had a confusing and contradictory meaning for different people, as the old saying goes that "one man's terrorist is another's hero." Because of the ambiguity of the meaning of the term there has been no consensus on its definition.⁶⁸ Scholars Schmid Alex and Jongman Albert in their works considered over hundred definitions of the term terrorism as made by governments, thinkers and academicians and concluded that there is no agreement and uniformity in the definition of the term. The lack of clarity in the meaning of the term reflects that it is a political term, for everybody refers to those they are in conflict with as a terrorist.⁶⁹ The US State department defines terrorism as "politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience."⁷⁰

⁶⁸Dipak Gupta, *Understanding Terrorism and Political Violence; The life Cycle of birth, growth, transformation and demise*, Routledge Printers, 2008, New York, p. 5 and 7.

⁶⁹Alex Schmid and Albert Jongman, "*Political Terrorism: A New Guide to Actors, Authors, Concepts, Databases, Theories and Literature*", NJ: Transaction Books, New Brunswick, 1988.

⁷⁰ Patriot Act, "*US Department of State*", Washington, D.C., 2001.

Terrorism is premeditated because; the act has an intention and prior thinking to commit an action that qualifies as a terrorist act.⁷¹ Bard O'Neill argues that terrorism is a violent act committed with a purpose that excludes actions that are spontaneous, unplanned and unorganized mass violence like for example riots.⁷² Terrorists have a political motivation whether they have political power intention or only use terror acts to bring about social, religious or economic changes in the society.⁷³ However, the act must be violent in nature. As noted by Hoffman, there are many individuals who hold radical and extreme opinion as well as belong to radical and extremist illegal political/religious societies/groups but have not employed violence in pursuing their objectives and therefore, are not categorized as terrorists.⁷⁴ As the definition shows, terrorists target unarmed civilians who are incapable of defending themselves by using violent means.⁷⁵ Terrorists are individuals and not military or security agents fighting another State security forces, for this usually is understood to be an act of war and not terrorism. However, where State (s) uses violence on its people, this is seen as an act of terror and not terrorism.⁷⁶

In the definition there is also the factor of influencing an audience in order to create fear among other reasons and scholars have identified the government, the constituency whom the terrorist claim to represent who are usually members of their faith and exploited workers or ethnic group as the terrorists' audiences.⁷⁷ The purpose of influencing the audience is to recruit, convert, comply and or make them loose faith in the government.⁷⁸ Other audiences include large

⁷¹ Paul Pillar, *Terrorism and U.S. Foreign Policy*, Brookings Institution Press, Washington, DC, 2003. p.14

⁷² Bard O'Neill, *Insurgency and Terrorism: From Revolution to Apocalypse*, 2 ed. Potomac Books, Washington, DC, P. 34

⁷³ Paul Pillar, *Terrorism and U.S. Foreign Policy*, Brookings Institution Press, Washington, DC, 14, 2003.

⁷⁴ Bruce Hoffman, *Inside Terrorism*, p. 43

⁷⁵ Paul Pillar, *Terrorism and U.S. Foreign Policy*.

⁷⁶ Walter Laqueur, *The Age of Terrorism*, Little Brown, Boston, 1987, 146.

⁷⁷ Bonnie Cordie, When Terrorists Do the Talking: Reflections on Terrorists Literature, in *Inside Terrorist Organizations*, ed. David C. Rapoport, *Cass Series on Political Violence*, Frank Cass, London, 2001, p. 154.

⁷⁸ Bruce Hoffman, *Inside Terrorism*, p. 199

groups which hold same objectives that terrorists would want acceptance from, cohesions, justify their decision/actions and forestall any possible opposition.⁷⁹ Terrorism is a strategy used by different groups around the world involving use of violence or threat, organized with a specific audience and usually has a political objective. Terrorism therefore, is a weapon of the weak in a conflict situation.⁸⁰ Terrorists' attacks have definite targets beyond those affected by the attack that is to create fear and despondence in the bigger group. These groups are many which include the elite, ethnic or religious community or government supporters. The preferred terror targets are the unarmed civilian people who are vulnerable and normally chosen deliberately even though it appears random to those watching.⁸¹ Media is important to terrorism for it is through their coverage of the terror events that attack news are spread far and wide reaching all the desired audiences and thus creating fear and the terrorism objectives are achieved.

Terrorists use several techniques ranging from bombings, kidnappings, assassinations and hijacking sea vessels and aircrafts where hostages are taken and ransom funds are demanded which become important finances for their activities. Terrorist groups inflict psychological fear in authorities by creating fear that dangerous weapons of mass destruction may land in the hands terror groups. For example, the Japanese terrorist group *Aum Shinriyko* got access to nerve gas in Tokyo subway system to kill in mass but fortunately they failed.⁸²

The crime of terrorism is not new in history. However, improved and important data has been acquired recently and statistics are available with different organizations world over. For instance, the global terrorism index of 2015 ranked 50 countries of the world according to their

⁷⁹Bruce Hoffman, *Inside Terrorism*, p. 199

⁸⁰Brenda Lutz, and J. Lutz, *Global Terrorism*, in *Contemporary Security Studies*, Third edition, Oxford University Press, 2013, London, p. 275

⁸¹ Brenda Lutz, *Global Terrorism*, p.276

⁸² Brenda Lutz, *Global Terrorism*, p.276

terrorist incidences and Iraq is ranked first with a score of 10 points becoming the most affected country by terrorism in the world. Kenya is ranked number 18 with a score of 6.66 and Ethiopia number fifty (50) with a score of 3.54⁸³ as shown by the Table below.

Table 2 - Ranked 50 Countries mostly affected by Terrorism in 2015

Rank	Country	Score
1	Iraq	10
2	Afghanistan	9.233
3	Nigeria	9.213
4	Pakistan	9.065
5	Syria	8.108
6	India	7.747
7	Yemen	7.642
8	Somalia	7.6
9	Libya	7.29
10	Thailand	7.279
11	Philippines	7.27
12	Ukraine	7.2
13.	Egypt	6.813
14	Central African Republic	6.721
15	South Sudan	6.712
16	Sudan	6.686
17	Colombia	6.662
18	Kenya	6.66
19	Democratic Republic of Congo	6.487
20	Cameroon	6.466
21	Lebanon	6.376
22	China	6.294
23	Russia	6.207
24	Israel	6.034
25	Bangladesh	5.921
26	Mali	5.921
27	Turkey	5.737
28	United Kingdom	5.613
29	Greece	4.974
30	Uganda	4.894
31	Bahrain	4.871
32	Nepal	4.791

⁸³Global terrorism index 2015_statsitics_files retrieved on 20/1/2016

33	Indonesia	4.755
34	Algeria	4.75
35	United States	4.613
36	France	4.553
37	Mozambique	4.386
38	South Africa	4.231
39	Iran	4.222
40	Paraguay	4.094
41	Myanmar	4.08
42	Sri Lanka	4.077
43	Saudi Arabia	4.006
44	Mexico	3.985
45	Tanzania	3.979
46	Chile	3.969
47	Tunisia	3.697
48	Ireland	3.663
49	Malaysia	3.579
50	Ethiopia	3.544

Source: Global terrorism index (GTI) database

2.3 Terrorism in Kenya

Kenya is located on the East Coast of Africa with a direct access to the Indian Ocean, Middle East and the Near East. It has boundaries with five countries, Somalia to the east, Uganda to the west, South Sudan to north-west, Ethiopia to the north and Tanzania to the south. While each of this country poses a security threat to Kenya, Somalia poses the greatest terrorism threat. Geographically, Kenya is a part of both East Africa and the Horn of Africa which is geo-strategically important for global security. Kenya has a population of about 45 million people of which 45% live below the poverty line according to the Kenya bureau of statistics.⁸⁴ The country

⁸⁴Republic of Kenya, Bureau of Statistics, Government Printers, Nairobi, 2009.

is predominantly Christian with a minority Muslim population estimated at 7% by the government of Kenya domiciled mainly at the coast and North Eastern regions of the country.⁸⁵

The first terrorist incident in the country was on 28th January, 1976 when the Popular Front for the liberation of Palestine (PFLP) attempted to shoot down an El Al airliner during a scheduled flight stopover in Nairobi.⁸⁶ The plot was fortunately forestalled after Israel and Kenya shared intelligence. Again after four years the PFLP attacked the Norfolk hotel in Nairobi and 15 people were killed. It was reported that the PFLP terrorist group undertook these attacks as revenge against Kenya for assisting Israel during the Entebbe rescue mission of Uganda in 1977.⁸⁷ Both attacks were aimed at Israeli interests in Kenya.

In 1998 the American Embassies in Nairobi and Dar es Salaam were attacked simultaneously by the Al Qaeda terrorist group. In the Kenyan attack 200 people were killed and thousands injured and this made Kenya to begin a counterterrorism strategy.⁸⁸ This incident appeared as a surprise for it brought forth the international aspect of terrorism in the country which was not considered before since the attack was made at the time when the Islamic Party of Kenya (IPK) was active at the Kenyan coast.⁸⁹ Actually, it was initially suspected that coastal Muslims were responsible for the bombing. Investigations in to the American Embassy bombing in Nairobi by both Kenyan and US investigators established an elaborate and wide spread network of international terrorists operating in Kenya. The investigation established that the bombing was planned and organized for a long period of time and Osama bin Laden, the leader

⁸⁵Jodi Vittori Bremer, K. and Vittori P. Islam in Tanzania and Kenya: Ally or threat in the War on Terror? *Studies in Conflict & Terrorism*, 32 (1), 1075-1099, 2009.

⁸⁶Vittori J. Bremer, K. and P. Vittori, Islam in Tanzania and Kenya, 2009.

⁸⁷Mogire E. and Agade K. Counter-terrorism in Kenya: *Journal of Contemporary African Studies*, 29 (4), 473-491, 2011, p. 474.

⁸⁸Krause V. and Otenyo, E., Terrorism and the Kenyan public. *Studies in Conflict Terrorism*, 28 (2), 99-112, 2005.

⁸⁹Pretholdt J. Kenya, the United States, and counterterrorism, *Africa Today*, 57 (4), 3-27, 2011.

of Al Qaeda terrorist organization was involved. Other Al Qaeda members involved include a Palestinian from Jordan and a former Egyptian policeman and Fazul Abdullah from the Comoros Island who recruited the Saudi suicide bombers.⁹⁰ Again, in 2002 another major terrorist attack took place when an Israel hotel was bombed by Al Qaeda affiliates in Kikambala, Kilifi County and also shot a missile at a commercial airplane taking off from Mombasa airport destined for Tel Aviv Israel. These attacks were believed to have been orchestrated by Fazul Mohammed in terms of planning and coordination of the attack. Fazul again is reported to have planned another attack on the American Embassy in 2003 but was foiled.⁹¹

After about a decade free from terrorist attack on Kenya except minor incidences, a popular upper class shopping mall in Nairobi was seized by a group of militants on 21st September, 2013 leading to several days standoff and more than 62 civilian deaths some of whom were citizens of Western countries.⁹² Investigations have reasonably identified Al Qaeda affiliate, Al Shabaab based in Somalia as being responsible for they also claimed responsibility for the attack. From 2011 to 2015 Kenya experienced an unprecedented increase in terrorism activities and attacks mainly in Nairobi, Mombasa, Lamu, Tana River, Garissa, Wajir and Mandera. For example, in Nairobi city at least 10 people died as more than 70 others were injured in twin bomb attacks at Nairobi's busy Gikomba market on 16th May, 2014⁹³ while at least 36 quarry workers were killed in Mandera in December 2014 after Al Shabaab raided a quarry and killed workers as they were asleep. Days later, a gang hijacked a bus and killed 28

⁹⁰Jodi Vittori, Bremer, K. and P. Vittori, Islam in Tanzania and Kenya: Ally or threat in the War on Terror? *Studies in Conflict & Terrorism*, 32 (1), 1075-1099, 2009.

⁹¹Adan H.H. Maj, *Combating transnational terrorism in Kenya*, Defense Technical Information Center, 2005 available at URL: <http://www.dtic.mil/>, retrieved on 21/10/2015.

⁹²Samuel L. Aronson; *Kenya and the Global War on Terror: Neglecting History and Geopolitics in Approaches to Counterterrorism*, *African Journal of Criminology and Justice Studies: AJCJS*, Vol.7, #s1 and 2 November 2013 ISSN 1554-3897.

⁹³The Standard on Saturday, May 17, 2014, P.2.

people most of whom were teachers and doctors⁹⁴ to mention but a few because there were several attacks between 2011 and 2015. According to GTI Kenya had terrorism indicators on average as follows:⁹⁵

1. 107 total attacks
2. 291 total fatalities
3. 398 total injuries
4. 145 total property damage

Terrorism is alleged to be a major factor behind the undeterred wildlife poaching in Africa especially of elephants and rhinoceroses. It is increasingly reported that there is a nexus between poaching syndicates and terrorism organizations. However, this allegation is largely unverified story without much evidence being advanced but the same seem true where funding desperate terrorists especially after KDF dislodged Al Shabaab terrorist group from the revenue lucrative locations like the port city of Kismayu and other areas in Somalia.⁹⁶ The high demand for elephant ivory and rhinoceros horn in South East Asia as a result of the affluent middle class facilitated by globalization has made poaching proceeds a critical avenue in the financing of international terrorism.⁹⁷ An undercover investigation conducted by Andrea Crosta between 2011 and 2012, about elephant poaching in Kenya where he spoke to those involved in poaching and trafficking of elephant ivory reported that ivory is sold to Al Shabaab who in turn sell to markets in Asia at huge profits.⁹⁸

⁹⁴The Standard online news, July 7, 2015.

⁹⁵Global terrorism index 2015_statsitics_files retrieved on 20/1/2016.

⁹⁶UN, International Convention for the Suppression of the Financing of Terrorism, G. A. Res. 54/109, UN Doc. A/RES/54/109 (Feb. 25 2000).

⁹⁷Catrina Stewart, *Illegal Ivory Trade Funds Al-Shabaab's Terrorists Attacks*, Independent (Oct. 6, 2013),

⁹⁸Michael Marshall *Elephant Ivory Could Be Bankrolling Terrorist Groups*, P. 43.

The LRA of Joseph Kony, a rebel group fighting the government of Uganda is also reported to be involved in poaching of elephants in DRC and CAR and use the proceeds to finance the rebel operations in Uganda. A report by the UN Secretary General about the activities of the rebel group in 2013 stated that “poaching and its potential linkages to other crimes, even terrorist activities constitute a grave menace to sustainable peace and security in Central Africa.”⁹⁹ It is in this recognition that a number of countries destroyed their stock pile of elephant ivory by burning. The countries include USA, Gabon, China and Kenya in 2014 and Kenya again in 2016.

In 2014 the British government hosted a high powered conference of head of States to discuss wildlife poaching and end trade in it which was then estimated to be about USD 19 billion.¹⁰⁰ The declaration unanimously called for eradication of illicit markets for wildlife and their trophies through effective prosecution, enhanced law enforcement and improved livelihoods for the poor communities.

2.4 Terrorism Resourcing

Terrorism needs resources to exist as an organization in order to accomplish its objective although it is considered a relatively cheap method to make a statement. As noted by Adams, to destroy an economic base of a terrorist organization is a sure way to kill it.¹⁰¹ Vittori Jodi classifies the minimum resources terrorists require into three categories – first, money and other negotiable instruments, second tangible resource and third intangible resources which are not materials where monetary value cannot be easily attached.¹⁰² For example, the Provisional Irish

⁹⁹UN, UN Secretary General Report on Central Africa, *UN Office and LRA activities in 2013*.

¹⁰⁰UK, Joint Communiqué from British foreign Office on decision Agreed on illegal Wildlife Trade, 2014, Feb. 14,

¹⁰¹James Adams, *Financing of Terror*, p. 251.

¹⁰²Jodi Vittorii, *Terrorist Financing and Resourcing*, Palgrave Macmillan, 2011, pp. 13 – 14.

Republican Army sent three of its bomb making expert operatives to South America to assist the Colombia group, the Revolutionary armed forces of Colombia (FARC) for USD 2 million in 2001.¹⁰³

The resource requirements of terrorist organizations are varied ranging from a few dollars needed by an assault attack by a knife to an expensive terror operation like the Twin tower attack of New York in 2001 which had an estimated cost of USD 300,000 – 500,000.¹⁰⁴ The cost is determined by the terrorist organizations' payments to its members as salaries¹⁰⁵ and the member's families¹⁰⁶ which vary from organization to organization. Some organizations pay lots of money to families of killed terrorists. Individual sleeper cells operate on a minimal budget with some self-sponsoring while those like Palestinian liberation organization (PLO) have a cost running into millions of dollars.¹⁰⁷ The resources needed by terrorist organizations as identified by scholars are money, tangible goods which include basic human needs, human capital, communication and equipment and intangible goods which refer to where to work from, security, propaganda and ideology message, command and control and pool of people to recruit from. Benjamin Cohen notes that money traditionally has three functions – a unit of conveying pricing information, a medium of exchange and a convenient means of storing wealth¹⁰⁸ which terrorist need and use.

To effectively operate as an organization terrorists need to have resources both tangible and intangible especially cash to purchase goods and services. "Money has powerful effect on terrorists. It can be used to purchase weapons, bribe, pay members, prepare propaganda

¹⁰³Mark Burgess, *Global Terrorism: The FARC – IRA*, Connection, 2002.

¹⁰⁴Jodi Vittorii, *Terrorist Financing and Resourcing*, p. 13.

¹⁰⁵Qassim Naim, *Hezbollah: The story from within*, trans. Dalia Khalil SAQI Books, London, 2005, p. 85.

¹⁰⁶Napoleoni, *Terror Incorporate*, p. 185.

¹⁰⁷Walter Laqueur, *The Age of Terrorism*, pp. 99 – 101.

¹⁰⁸Benjamin Cohen, *The Geography of Money*, Cornell University Press, New York, 1998, p.11.

information and use for many other purposes”¹⁰⁹ notes Daniel Byman and colleagues. Terrorists like any other transnational crime use strong currencies such as US dollar and the Euro which are easily convertible to any currency of the world. They also use the Japanese Yen and the German Deutsche Mark where applicable.¹¹⁰ Like any human being terrorists and their families have basic needs which must be met such as food, shelter, health and other personal effects. There are those terrorists who have part-time jobs but full-time terrorists who operate underground must be supported by the terrorist organization. For example, the Italian red brigade terrorist group in the 1970s used on each full-time terrorist member about USD 15,000 per year on salary, food, rent, clothing and weapons.¹¹¹ A large and professional terrorist organization with members in many places around the world definitely require lots more resources and therefore engage in various forms of raising resources.¹¹² Terrorist organizations use human capital to conduct its activities and replace members who leave, die and arrested. The personnel used by large terrorist organization like Hamas, Tamil tigers and Al Qaeda is tens of thousands and a large support network is required.¹¹³ The ability for a terrorist organization to communicate not only internally but externally is very important for its survival. It must send, receive, store and manipulate information,¹¹⁴ explain and justify the political goals behind the violence undertaken. They publish documents, manifestos, press releases, speeches and books.¹¹⁵ The communication cost

¹⁰⁹Daniel Byman, *Trends in Outside Support*, p. 87.

¹¹⁰Benjamin Cohen, *The Geography of Money*, pp. 14 – 16.

¹¹¹Napoleoni Loretta, *Terror Incorporated*, p. 56.

¹¹²Jodi Vittori, *Terrorist Financing and Resourcing*, p. 16.

¹¹³Jodi Vittori, *Terrorist Financing and Resourcing*, p. 16.

¹¹⁴US Government, *National Military Strategic Plan for the War on Terrorism*, Defense Department Joint Chiefs of Staff, Washington DC, 2006, p. 16.

¹¹⁵Vittori Jodi, *Terrorist Financing and Resourcing*, p. 16.

may have come down with developed infrastructure like the cyber space, but still resources are required to communicate internally to members through use of the internet, radios and phones.¹¹⁶

Externally the cost on information is more as use of public broadcasting through radio and television networks may be slow. Some terrorist organizations run radio stations, social media to ensure control over their communication messages and propaganda which often times is manipulated if public or other private stations are used by terror groups. For example, the Oromo liberation front (OLF) rebel group fighting the government of Ethiopia use to run a radio station in their ‘*Orominya*’ language based in Frankfurt, Germany.

Operational resources are required by terrorists in order to undertake its violent activities. This may be simple tools like knives to weapons of mass destruction.¹¹⁷ The equipment are internally acquired or bought, transported and stored for use. If internally acquired workshops, and laboratories are needed while if bought there is extra expense for sourcing from the black market.¹¹⁸ Transporting terrorist operatives to the target sites with a vehicle or airline, safe houses for planning and organizing the operation and many other assets like false papers, measures against law enforcement and intelligence gathering equipment is an extra cost to the terrorist organization.

Terrorist operation is impossible to conduct without a safe location, also known as a sanctuary or ‘safe house’ from where operational plans, trainings and attack executions are made.¹¹⁹ The location may be an apartment in a town or a farm in a rural setting which must be secure from detection. Big operational places may be at a refugee camp as the case has been in

¹¹⁶Phil Williams, *Warning Indicators and Terrorists Finances, in Terrorism Financing and State Responses*, ed. Jeanne K. Giraldo and Harold A. Trinkunas, Stanford University Press, Stanford, 2007, p. 81.

¹¹⁷US Government, *National Military Strategic Plan for the War on Terrorism*, pp. 17 -18.

¹¹⁸Williams, *Warning Indicators and Terrorists Finances*, p. 80.

¹¹⁹Cragin and Daly; *Dynamic Terrorist Threat*, p.45.

Kenya in Daadab refugee camp during the recent attacks, land owned by terrorist organization, religious sites and correctional facilities.¹²⁰ Such environments provide terrorist organizations with safe haven for meetings, living, recruiting, and training and organize an attack operation. Civil liberties, cultures and property rights guaranteed by constitutions of liberal democracies make detections of such places by law enforcements slow especially religious sites like churches, mosques and temples. Small locations are only suitable for short term operations while the sophisticated attacks undertaken by large terrorist organizations need bigger spaces for long term operations.¹²¹

Large organizations such as the Al Qaeda require a more complex safe location for they are a constant target of law enforcement agencies. They may utilize parts of failed States also known as ‘brown areas’ which are controlled by terrorist groups or their Allies or even the whole failed State as the case is of Al Shabaab in Somalia. In some situations ghettos and slums in cities which are under the control of terror gangs come in handy. Terrorist groups have also been sponsored by States through provision of safe haven as Sudan has been accused by the Western powers for harbouring Al Qaeda terrorist organization in the 1990s.

Security is paramount if the terrorist organization is to survive and achieve its objectives. They must ensure that their plans, identities and locations are not discovered by law enforcement agents. To maintain their security terrorist organizations use great amounts of resources. They use a cell structure to accomplish this where only few members know identities of other members of the cell or through maintenance of loose networks.¹²² Terror organizations utilize resources on giving instruction to its members on maintenance of security at all times as has been

¹²⁰Cragin and Daly; *Dynamic Terrorist Threat*, pp.45 - 46

¹²¹Cragin and Daly; *Dynamic Terrorist Threat*, pp.45 - 46

¹²²Jodi Vittori, *Terrorist Financing and Resourcing*, p.19.

shown by the Al Qaeda manual which was recovered in UK which detailed how to establish safe houses, maintain a cover and behave during interrogations.¹²³ Terrorists require intelligence to identify targets, method of an attack, and get to know their audience response to an attack.¹²⁴ They also collect intelligence on their members to arrest situations of disloyalty or infiltration by law enforcement or enemy groups.¹²⁵ The amount of intelligence required and the resources needed is determined by the complexity of the mission to be accomplished.

The source of intelligence may be human, reconnaissance, surveillance and published materials,¹²⁶ while internet has been growing in usage and importance. For instance, *Al Qasa* Martyrs brigade, a Palestinian terror group has confirmed using the *Google Earth* internet facility to determine targets for rocket strikes while Al Qaeda affiliates have used the Web site to locate targets in British military bases in Iraq.¹²⁷

A resource is needed to put across their message to the audience but the terrorists must have a convincing message to broadcast. They must have a political or ideological narrative to justify the groups' existence and hence the reason for the violence without which the attacks are but a mere criminality.¹²⁸ It is the ideological message they have and put across to their audience that motivate the terrorist group's "actions, unifies members, links the organization to communities on whose behalf it claims to fight and inspire individuals to provide material resources."¹²⁹ It is through publicity the group will promote and advertise its narrative to its

¹²³Cragin and Daly, *Dynamic Terrorist Threat*, pp. 47 – 48.

¹²⁴Cragin and Daly, *Dynamic Terrorist Threat*, pp. 50 – 51.

¹²⁵National Military Strategic Plan for the War on Terrorism, p. 17.

¹²⁶National Military Strategic Plan for the War on Terrorism, p. 17.

¹²⁷Chassay Clancy and Johnson, *Bobbie Google Earth Used to Target Israel*, *Guardian* (October, 25, 2007)

¹²⁸Jodi Vittori, *Terrorist Financing and Resourcing*, p.20.

¹²⁹Cragin and Daly, Ideology is the consensus of grievances and objectives that a terrorist group is trying to address through violence, *Dynamic Terrorist Threat*, *National Military Strategic Plan for the War on Terrorism*, p 18.

audiences.¹³⁰ To get moral or resource support the group must pursue its objectives through a well organized effort and informational campaigns which are convincing to their audience. Scholarly and policy documents have shown how ideology is at the centre of the fight against terrorism¹³¹ and Al Qaeda for example, utilizes ideology for its continued success. It has constantly cited *Koranic* verses especially *Hadith* and respected Islamic scholars to justify the groups' legitimacy. It uses ideology to advance a grievance theory of the claim of Western moral decay, corruption and Neo – imperialism. It further claims that it exists to fight these worldly evils as commanded by Islam.

The same ideology has enabled Al Qaeda to survive in the face of setbacks brought to it by counterterrorism forces especially when an important leader is killed or captured, it is able to advance a claim that Al Qaeda will survive the loss for it is founded on the ideals they believe in¹³² and this gives it the resilience to recover from the setback.. Therefore, as long as Al Qaeda will appeal to the Muslims who think like it through ideology, then it is assured of support and its operation will continue.¹³³

Leadership is important to terrorist organization to control members, replace those who are captured, killed or who defect from the group. Leadership is required for motivation, supervision and implementation of plans to progress towards the group's goal.¹³⁴ Terrorist leaders are often charismatic who are not democratically elected but are trained and prepared for the responsibility. Al Qaeda is a good example of a terrorist organization with an efficient and effective command and control structure all over the world.

¹³⁰Craign and Daly; *Dynamic Terrorist Threat*, p.20.

¹³¹Haniff Bin Hassan, Key Considerations in Counter-ideological work against Terrorist Ideology, *Studies in Conflict and Terrorism* 29, no. 6 2006.

¹³²Bin Hassan, *Key Considerations*, pp. 533 – 534.

¹³³Guraratna, *Inside Al Qaeda*, p.232.

¹³⁴US *National Military Strategic Plan for the War on Terrorism*, pp. 14 – 15.

A terrorist organization requires a pool of human capital from which to constantly recruit for it to survive. It must recruit more than it loses members through attrition. The primary goal of a terrorist organization is to instill fear in the audience but also publicize its activities to potential supporters who often times feel oppressed whom they hope to mobilize.¹³⁵

Human capital with technical skills to assemble bombs, handle weapons and efficient operational security techniques is an important asset for a terrorist organization. It provides training for its people in, for example, document procurement, forgery, weapons fabrication and smuggling which require lots of resources.¹³⁶ The expertise of its members will not only be used to undertake terrorist operations but can also be hired to train other terrorist organization members which are a source of revenue for the organization. For example, Palestine liberation organization earned about USD 5,000.00 to 10,000.00 for training Italian red brigade and Argentine Monteneros in the 1970s.¹³⁷

2.5 Evolution of Terrorism Resourcing

Terrorist organizations have always mobilized resources from charity organizations, donors and well wishers to conduct terror activities. Adams James notes that terrorist groups began with some few idealistic individuals without money or training but with ideas of what they want to achieve in the long run. Progressively they move from few people with radical ideas to renowned terrorists. All terrorist groups first need to get some finances, purchase some arms, and get international recognition which will assist in acquiring financial support from outside the organization.¹³⁸ Terrorist organizations have evolved over time from having very limited

¹³⁵Cordes, *When Terrorists Do the Talking*, P. 154.

¹³⁶Cragin and Daly, *Dynamic Terrorist Threat*, pp. 48 – 50.

¹³⁷James Adams, *Financing of Terror*, p. 49.

¹³⁸James Adams, *Financing of Terror*, p. 53.

resources to large resourcing capacity. In tracing the historical development of international terrorism David Rapoport identified four phases he refers to as ‘waves’ with each wave having an ideology and revolutionary vision as follows: the anarchist wave, anti-colonial wave, new left wave and the religious wave. He estimates each wave to have lasted about forty to fifty years.¹³⁹

Violence for political reasons have been there for thousands of years beginning with the Jewish zealots fighting the Roman Empire by assassination of individuals using daggers 2,000 years ago. The Muslim *Shia Ismailia* also employed political violence on Christians in the 13th century.¹⁴⁰ It is the last 150 years that political violence against civilians to communicate a political message referred to as terrorism became a justified method. The first wave of terrorism – the anarchists is the first organization to employ political violence to send a political message.¹⁴¹

Writer Rapoport cites doctrine and technology as the main reason why anarchist wave began in the 20th century. The emergence of improved communication and transportation through telegraph, newspapers and railway greatly reduced the time taken to carryout any activity. The first global war on terrorism against the anarchists was fought by North America and Europe because the anarchists conducted assassinations and attacks including those of German empire and King of Spain in 1878, French President in 1894, the Prime Minister of Spain in 1897 and King of Italy in 1900 among others.¹⁴²

As early as this time terrorist were aware of the centrality of resources to their struggle, with Jeremiah O’Donovan an extremist Irish nationalist urging the establishment of a fund of

¹³⁹Rapoport C. David, “The Four Waves of Rebel Terror and September 11,” *Anthropoetics* 8, no. 1 2002.

¹⁴⁰Bruce Hoffman, *Inside Terrorism*, pp. 83 – 84.

¹⁴¹Jodi Vittori, *Terrorist Financing and Resourcing*, p. 52.

¹⁴²Miller Martin, The Intellectual Origins of Modern Terrorism in Europe, *In Terrorism in Context*, ed. Martha Crenshaw, University Park: PA: Pennsylvania State University Press, 1995, p. 28.

USD 5,000 for a campaign against England.¹⁴³ In 1884 anarchist Johann Most wrote how important resources are in terrorism especially money, more than even a dynamite explosives used in bombings.¹⁴⁴ The anarchist operated on a very tight budget raising funds through bank robberies and forgery except some few which had support of wealthy individuals.¹⁴⁵ It was also during this period that the ‘lone wolf’ terrorism began. Lagueur writes that the “anarchist movement had no global conspiracy, no high command ... each anarchist and each group felt free to register its protest in the form and at the time it saw fit.”¹⁴⁶

The anti-colonial wave is understood to have begun towards the end of 19th century and ended just before the World War one (WW 1). This second wave had the Jewish terror activities unleashed on the British and Arabs and the Algerian *front de liberation nationale* (FLN) fighting France among others. It was during this era that States started to sponsor terrorism with examples being Serbia financing, providing weapons and training a terror group known as Black Hand; the Italians and Hungarians supported Croatians and Macedonian nationalists with 44 million Italian Lira sometime in 1933 while around 1950s the FLN fighters were aided politically by Arab States to fight the French.¹⁴⁷ As State sponsorship continued, bank robberies increased and Diaspora funding emerged as exemplified by the Americans of Irish decent who supported the Provisional Irish Republican army with cash, equipment and volunteers.¹⁴⁸ It is important to note that Diaspora support to terrorist organizations is a major component of their funding especially the Hezbollah and Al Shabaab terrorist groups.

¹⁴³Clutterbuck Lindsay, *The Progenitors of Terrorism: Russian Revolutionaries or Extreme Irish Republicans? Terrorism and Political Violence*, 16, no.1 2004, p. 163.

¹⁴⁴Walter Laqueur, *the Age of Terrorism*, p. 56.

¹⁴⁵Walter Laqueur, *The Age of Terrorism*, p.96.

¹⁴⁶Walter Laqueur, *The Age of Terrorism*, P.51

¹⁴⁷ David Rapoport, *Terrorism*, p. 1055.

¹⁴⁸Holland Jack, *the American Connection: U.S. Guns, Money, and Influence in Northern Ireland*, Viking, New York, p.85.

The third wave also known as the ‘new left wave’ began in 1968 and ended in 1989. It started with protests against the US for engaging in the Vietnam War and on 22nd July 1968 with the hijacking of an El Al flight enroute to Tel Aviv from Rome by PFLP.¹⁴⁹ It was characterized by leftist radicalism and nationalism and gave rise to groups like the German red army faction and Italian red brigades and the modern international terrorism was born where extremist groups at a given place attack people or property of perceived enemies in an unrelated third location as enabled by easy movement as well as communications.¹⁵⁰

As in the second wave bank robberies continued to provide finances for terrorism groups in this wave. For example, in 1971 the Red army faction of Germany got cash to the tune of 1 million Deutsche Marks through bank robberies.¹⁵¹ Kidnapping and demanding ransom payment became the order of the day. During this third wave there emerged a relationship between transnational organized crime and terrorism as an aspect of resourcing. This was seen for the first time when the Red brigades and the Camorra, an Italian mafia shared USD 2 million ransom payment for the release of an Italian politician in which the mafia acted as middlemen in the ransom negotiations. Again it was during this third wave that narco-terrorism came in to being and became a serious threat to states, especially those in Latin America.¹⁵² Narco-terrorism proved to be profitable than the risky bank robbery for they are accompanied by other contraband like arms which are required for terrorism operations and therefore, the narcotics protection of growers and traffickers gave the terrorists a constant income.¹⁵³

¹⁴⁹ David Rapoport, *Four Waves of Rebel Terror*.

¹⁵⁰ Walter Enders and Todd Sandler, *The Political Economy of Terrorism*, Cambridge University Press, Cambridge, 2006, pp. 41 – 44.

¹⁵¹ Walter Laqueur, *the Age of Terrorism*, p. 97.

¹⁵² Walter Napoleoni, *Terror Incorporated*, p. 14

¹⁵³ James Adams, *Financing of Terror*, p. 217

Terrorism for hire reached its peak in this period of terrorism evolution. A good example is the Japanese Red Army which made huge amount of money from being hired to undertake terror attacks on behalf of other terrorist groups. In 1986 the Japanese Red Army entered in to an agreement with Libya to avenge for it for the US attack.

The religious wave terrorism came in to being in the 1990s where attacks were motivated by religion¹⁵⁴ trying to impose a religious government on the society. Although Islam is perceived and depicted as the religion which hosts terrorists as portrayed by the Western media, the wave also had Sikh of India, Buddhist and Hindu of Sri Lanka, Jewish terror groups and Christian terrorists in North America and Europe.¹⁵⁵ The State sponsored terrorism became pronounced in this wave with Iran giving large sums of about USD 100 million to Hezbollah, Hamas and Shia insurgents to facilitate Islamic revolutions in 1982.¹⁵⁶ One characteristic of this wave was the funding from charitable organizations to facilitate terrorist groups. An example is Hezbollah which has the support of the charity *Aqsa* international foundation, the Martyr's organization and the *mabarrat* charity organization.¹⁵⁷

The use of internet for resourcing, radicalization and recruitment by terrorists is another important phenomenon that began during this wave.¹⁵⁸ They had Web sites which carried their history, news and information on attacks. The first groups included Tamil Tigers of Sri Lanka and the Palestinian Hamas. Crime was also a major source of resourcing especially drugs for the Latin American groups and Islamic groups like the Islamic movement for Uzbekistan which had

¹⁵⁴ Bruce Hoffman, *Inside Terrorism*, pp. 86 - 88

¹⁵⁵ Bruce Hoffman, *Inside Terrorism*, pp. 97 - 118

¹⁵⁶ James Adams, *Financing of Terror*, p. 73

¹⁵⁷ Giraldo Matthew, Levitt, Hezbollah Finances, Funding the Party of God, in *Terrorism Financing and the state Responses*, ed. K. and Harold A. Trinkunas, Stanford University Press, Stanford, 2007, p. 137.

¹⁵⁸ Bruce Hoffman, *Inside Terrorism*, pp. 202 – 204.

control over the Central Asian drug routes¹⁵⁹ and Hezbollah which farmed heroin and hashish in the Beka'a Valley¹⁶⁰ of Syria. Commodities like diamond, gold, and tanzanite were smuggled to raise funds.¹⁶¹ The relationship of crime and terrorism today is through counterfeiting, credit card fraud and identity theft.¹⁶²

2.6 Types of Terrorism Resourcing

Scholars have identified and grouped terrorism resourcing into seven categories using the strategy to acquire, move and store resources: lone wolf, State sponsored, franchise, bundled support, State sponsoring, shell State and transnational corporation.¹⁶³ Lone wolf category comprises of individuals or small groups who have an ideology or grievance and undertake operational attacks of their own volition which is as per the overall group ideology and usually is a challenge to law enforcement given its small size and internal resourcing. They are autonomous with low capacity, conduct small attacks and have short lifespan.¹⁶⁴ The State sponsored groups depend wholly on a State funding including sanctuary but advances its foreign policy. As a result of the total reliance on a State sponsor it exists as long as the State sponsor sees it as being important to be supported.¹⁶⁵

The franchise category is a terrorist group which gets large amount of resources from a single source but has also other sources making it fairly autonomous. The autonomy and multiple

¹⁵⁹Napoleoni Loretta, *Terror Incorporated*, p.91.

¹⁶⁰Levitt, *Hezbollah Finances*, pp. 146 - 147

¹⁶¹Napoleoni Loretta, *Terror Incorporated*, pp. 187 – 189.

¹⁶²David Rapoport, “*Terrorism*”, p. 1065.

¹⁶³Jodi Vittori, *Terrorist Financing and Resourcing*, p. 7.

¹⁶⁴Jodi Vittori, *Terrorist Financing and Resourcing*, p.7.

¹⁶⁵ Bruce Hoffman, *Inside Terrorism*, Columbia University Press, New York, 1998, p.188.

sources of resourcing enable it to survive even when the major sponsor withdraws support. The Al Qaeda terrorist organization has been observed to use this resource type.¹⁶⁶

The bundled support category receives resourcing from many donors who are spread all over the world mainly the Diaspora community. The non-state actors of likeminded individuals who support this category enable the terrorist organization to have a broad base support making it assured of support even when some donors withdraw.¹⁶⁷ Shell States category controls a geographic area which provides resourcing and sanctuary for the terrorist organization¹⁶⁸ enabling it to be self-sufficient and autonomous. In addition the local population is usually forced to pay taxes to support the activities of the terror organization and they overtly conduct recruitment of new members as exemplified by Al Shabaab of Somalia.

State sponsoring terrorist group is one which funds a State in order for the State to share its monopoly of violence because the group has high capacity and resources. Al Qaeda has been identified as one such group, for it gave the government of Sudan money for infrastructural development in exchange for running training camps and money making concessions in the 1990s.¹⁶⁹ Similarly, in Afghanistan the Al Qaeda gave the Taliban its members as troops in exchange for sanctuary and free use of the country according to Hoffman Bruce.¹⁷⁰

The transnational category of resourcing is a complex and highly diversified in terms of resourcing; membership and geography making an attack of the terrorist organization have

¹⁶⁶Jodi Vittori, *Terrorist Financing and Resourcing*, p. 8

¹⁶⁷Jodi Vittori, *Terrorist Financing and Resourcing*, p. 8

¹⁶⁸Napoleoni Loretta, *Terror Incorporated: Tracing the Dollars Behind the Terror Networks*, Seven Stories Press New York, 2004, pp. 66 – 80.

¹⁶⁹Bruce Hoffman, *Redefining Counterterrorism: The Terrorist as CEO*, RAND Review 28 no.1 2004, p. 15.

¹⁷⁰Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, New Haven, CN: Yale University Press, 2000.

limited impact on its autonomy and capabilities.¹⁷¹ These groups are highly efficient in money laundering and easily start companies, charitable organization, invest internationally, smuggle goods and get involved in all manner of criminality so as to get resources. They exploit globalization phenomenon particularly the efficient communication and transportation systems which enhances international trade¹⁷² notes Kurth Cronin.

2.7 Terrorism Resourcing in Kenya

To establish terrorist resourcing, it is important first and foremost to identify which terrorist group(s) operates in the Horn of Africa and in Kenya. The region and specifically Kenya has two main terrorist groups which have claimed responsibility for terrorist attacks in the last two decades, namely the Al Qaeda who claimed responsibility for the Nairobi and Dar es Salaam US Embassies bombing in 1998 and their affiliate the Somali based Al Shabaab. Al Shabaab has claimed responsibility for almost all terror attacks in the region since 2010 and has had allegiance to the Al Qaeda and of late to ISIS terrorist organization. Al Shabaab terror group seems to have joined Al Qaeda and continued with their terrorism activities against the countries of Eastern and the Horn of Africa especially after the entry of AMISOM forces in to Somalia.

How does Al Shabaab raise finances and personnel for their terror mission? Al Shabaab has and continues to recruit members in Somalia, Kenya, Tanzania and other East African countries through radicalization of the youth and turning them in to extremists. In Kenya both the poor and not poor have been recruited at the Coast, North Eastern, Upper Eastern, Western and Nairobi from different religions and backgrounds. In Somalia they have several sources and avenues of raising revenue for their operations. This includes taxing businesses at

¹⁷¹Jodi Vittori, Terrorist Financing and Resourcing, p.9

¹⁷²Kurth Cronin Audrey, *Behind the Curve: Globalization and International Terrorism*, *International Security* 27, no. 3 2002/2003, pp. 46 – 51.

the port of Kismayu which they controlled before their removal by KDF in 2011, State and charities funding, Diaspora remittances, terrorist group like Al Qaeda and ISIS, Piracy and extortion. Funds are then sent via an informal money transfer system known as *hawala* around the world or through normal banking system or even through a courier service. The finances raised are mainly for members' salaries, training, recruitment and purchase of equipment.¹⁷³

There are a number of States that have been accused of supporting Al Shabaab terrorist group. These include Eritrea, Yemen, Syria, Iran and Qatar. Eritrea is alleged to have aided Al Shabaab in opposition to Ethiopia's invasion of Somalia and fighting Al Shabaab, an allegation denied by Eritrea. It is reported that Eritrea provides weaponry, training and troops to assist the terrorist group in fighting the AU forces in Somalia notes Gabe Joselow.¹⁷⁴ According to a United Nations report Eritrea sends USD 80,000 every month to Al Shabaab via its Nairobi Embassy.¹⁷⁵

The Somali transitional federal government (TFG) has accused Iran, Qatar and Yemen of supplying funds and weaponry to the terrorist group Al Shabaab.¹⁷⁶ The Somali TFG in 2010 reported that two boats loaded with arms and explosives were sent by Yemeni rebel group to Al Shabaab through the port of Kismayu.¹⁷⁷ Again in the year 2010 a UN monitoring group reported that an affiliate of Al Shabaab in the Puntland region of Somalia received weapons from both

¹⁷³Geoffrey Kambere, 2012, *Financing al Shabaab: the Vital Port of Kismayo*,

¹⁷⁴Joselow Gabe, "All Eyes on Eritrea as Arms Shipment Reaches Al-Shabab," Voice of America, (November 1, 2011),

¹⁷⁵Pieter D. Wezeman, *Arms Flows and the Conflict in Somalia*, SIPRI Background Paper, Stockholm International Peace Research Institute (SIPRI), October 2010

¹⁷⁶ Pieter D. Wezeman, *Arms Flows and the Conflict in Somalia*.

¹⁷⁷Gulf of Aden Security Review, Critical Threats, American Enterprise Institute, January 4, 2010

Eritrea and Yemen.¹⁷⁸ Similarly, Saudi Arabia and some Gulf nations have been accused of providing resources to the Al Shabaab terrorist organization.

Al Shabaab terrorist organization also receives funds from international terrorist organizations like Al Qaeda for their radical and extremist activities in the Horn of Africa notes Abdulkadir Abdiraham.¹⁷⁹ They also receive funding from Nongovernmental Organizations and religious charities which include the World Assembly for Muslim youth, the International Islamic relief organization, African Muslim agency of Kuwait and Red Crescent society of the United Arab Emirates (UAE). The *Al Islah* charity, Muslim World League, the International Islamic relief organization of Saudi Arabia and *Dawa al islamiyya* and the *Al wafa* charitable society and Somali businesses in the Middle East, Europe, USA, Australia, New Zealand, Malaysia and Singapore¹⁸⁰ also provide funds for Al Shabaab activities.

About 1 million Somalis now live outside Somalia in the Middle East, Europe, and North America as at 2012 according to Robert Patrick. Some of these Diaspora Somalis support Al Shabaab financially. In 2010 a suspect by the name Mohammed Abdi Yusuf a taxi driver of St. Louis in the US pleaded guilty to an offense of conspiracy and providing material support to a terror organization by raising about USD 6,000 for Al Shabaab reports Robert.¹⁸¹ Other reported financiers include businessmen Sheikh Mohamed Abu Faid a Saudi national and Omar

¹⁷⁸Claude Heller, "Letter dated 26th February 2010 from the members of the Monitoring Group on Somalia, addressed to the Chairman of the Security Council Committee established pursuant to Resolution 751 of 1992, 1907 and 2009 concerning Somalia and Eritrea, addressed to the President of the Security Council," UN Security Council, New York, March 10, 2010

¹⁷⁹Abdulkadir Abdiraham, 2011, "Islam AU Summit: A/S Carson's meeting with Somali President Sheikh Sharif Tripoli," The Telegraph, February 3,

¹⁸⁰Abdisaid M. Ali, 2008, "*The Al-Shabaab Al-Mujahidiin: A Profile of the First Somali Terrorist Organization*," Institut für Strategie- Politik- Sicherheits- und Wirtschaftsberatung (ISPSW), June 2,

¹⁸¹Robert Patrick, "*St. Louis Cabbie Gets 11+ Years for Sending Money to Terrorist Group*," Stltoday.com,

Hammami who is a Somali resident of the US who sponsors militants recruited from Somali immigrant families to join Al Shabaab terror organization.¹⁸²

The Somali Diaspora is estimated to remit about USD 500 to 800 million in a year to families living in the Horn of Africa according to a researcher.¹⁸³ According to this research part of the money though legal ends up with extremists groups. Al Shabaab has also received funds from Somalis living in Nairobi and Dadaab refugee camp in Garissa in North Eastern Kenya. Al Shabaab is further reported to have benefitted from funds of Pumwani Riyadh mosque of Nairobi where sympathizers raise money for the terrorist group disguised as finance for mosque rehabilitation and refurbishment.¹⁸⁴

Al Shabaab terrorists also use the black market of Eastleigh, a Nairobi suburb inhabited by large Somali community in raising money for the terror group in addition to *Zakat*, an Islamic form of tithing.¹⁸⁵ Companies like Dahabshiil Bank based in Mogadishu and Nairobi remit cash to Al Shabaab in order to be allowed to conduct business in the terrorist controlled territory within Somalia¹⁸⁶ and the businesses are taxed for protection purposes. When Al Shabaab took control of Kismayu in 2008 it instituted punitive rules as per the Islamic *Sharia* law on the business people of the town to collect revenue on fishing, import and export goods. An analyst estimates that Al Shabaab raised USD 1 million in four months from port charges alone in

¹⁸²Kenneth Menkhaus, "African Diasporas, *Diasporas in Africa and Terrorist Threats*," in the Radicalization of Diasporas and Terrorism, Doron Zimmerman and William Rosenau, eds. Zurich: ETH Center for Security Studies, 2009, pp. 87–88.

¹⁸³Kenneth Menkhaus, "African Diasporas, *Diasporas in Africa and Terrorist Threats*," in the Radicalization of Diasporas and Terrorism, pp. 87–88.

¹⁸⁴Geoffrey Mosoku, "Kenya, Riyadh Officials Deny Links to Al-Shabab," All Africa, August 1, 2011,

¹⁸⁵Interview with Ali, "The Al-Shabaab Al-Mujahidin."

¹⁸⁶"Why Blockading Kismayo Will Not Weaken Shabab Financially," Inside the Insurgency, October 31, 2011,

Somalia.¹⁸⁷ Al Shabaab also export charcoal harvested from the southern border with Kenya and other areas worth about USD 500,000 per month to Middle East.¹⁸⁸

Pirates of the Gulf of Aden and Al Shabaab terrorist group have been reported to have a relationship though difficult to establish. It is further reported that in 2010 Al Shabaab took control of Harardhere Pirates' base and agreed with the Pirates that they will pay the terrorist group 20% of the ransom payment they receive from hijacked vessels.¹⁸⁹ Another avenue for the group's revenue collection is through stealing aid food of the hungry people brought by Nongovernmental Organizations operating in Somalia. According to UN monitoring group report of March 2010 about 50% of food for the hungry people of Somalia was forcefully looted for terrorism activities mainly by the Al Shabaab terrorist group.¹⁹⁰ Through kidnappings and demanding ransom money Al Shabaab raise more cash and Nongovernmental Organizations also pay fees to access areas under the control of the terrorist group.¹⁹¹ It is important, therefore, to note that Al Shabaab terrorist group has diverse sources of funding that even when external sources are cut – off by the international community the internal revenue stream is sufficient to enable it to continue with its terror activities in the Horn of Africa.

The following chapter discusses the factors behind poaching of elephants and rhinoceroses in Kenya and whether the need for terrorism funding has contributed to poaching.

¹⁸⁷Lauren Ploch, "Countering Terrorism in East Africa: The U.S. Response," Congressional Research Service Report, November 3, 2010

¹⁸⁸H.S. Puri, "Letter dated 18 July 2011 from the Chairman of the Security Council Committee pursuant to Resolutions 751 of 1992, 1907 and 2009 concerning Somalia and Eritrea addressed to the President of the Security Council, UN Security Council, July 18, 2011

¹⁸⁹The Saga of MV Iceberg, One Ship, Three Different Stories, Somalia Report, July 26, 2012,

¹⁹⁰Sarah Childress, "Somali Militants Try Piracy to Fund Attacks, *The Wall Street Journal/Africa website*, September 10, 2010

¹⁹¹Sarah Childress, "Somali Militants Try Piracy to Fund Attacks".

CHAPTER THREE

WILDLIFE POACHING IN KENYA

3.1 Introduction

The chapter discusses the factors behind poaching in Kenya and whether funding of terrorism has enhanced it while the previous chapter discussed the sources of funding for international terrorism with emphasis on Kenya.

3.2 Wildlife Poaching

Conservation and protection of wild fauna and flora has been an integral part of the African culture and has preserved the way of life of the African people. For Africa to experience economic, social and political benefits wildlife poaching must be addressed by Africans by looking back to its roots and traditional way of life.

Elephants have roamed the planet earth for millions of years but unfortunately today poaching and loss of habitat has threatened their very existence. It is estimated that over 5 million elephants lived in the continent of Africa at the turn of the 20th century, reducing to slightly over 1 million by 1979 and to about 600,000 individuals by 1990.¹⁹² This sharp decline in elephant population of Africa is mainly attributed to high demand and unprecedented increase in price of ivory in the consumer market countries of South East Asia among others.

Elephant habitat in Africa is the sub - Saharan Africa ranging from the savannah, deserts, forests and even mountains¹⁹³ for they have become extinct in the northern part of the continent

¹⁹²Merrill Goozner, *Elephants or Fancy Signatures? Ivory Ban worries Japan's 'Hanko' Carvers*, Chi. Trib of September, 20th 199,

¹⁹³Cumming D.H.M., Toit, R. du, and Stuart, S.N., *African Elephants and Rhinos: Status Survey and Conservation Action Plan*. IUCN/ SSC, Gland, Switzerland, 1990.

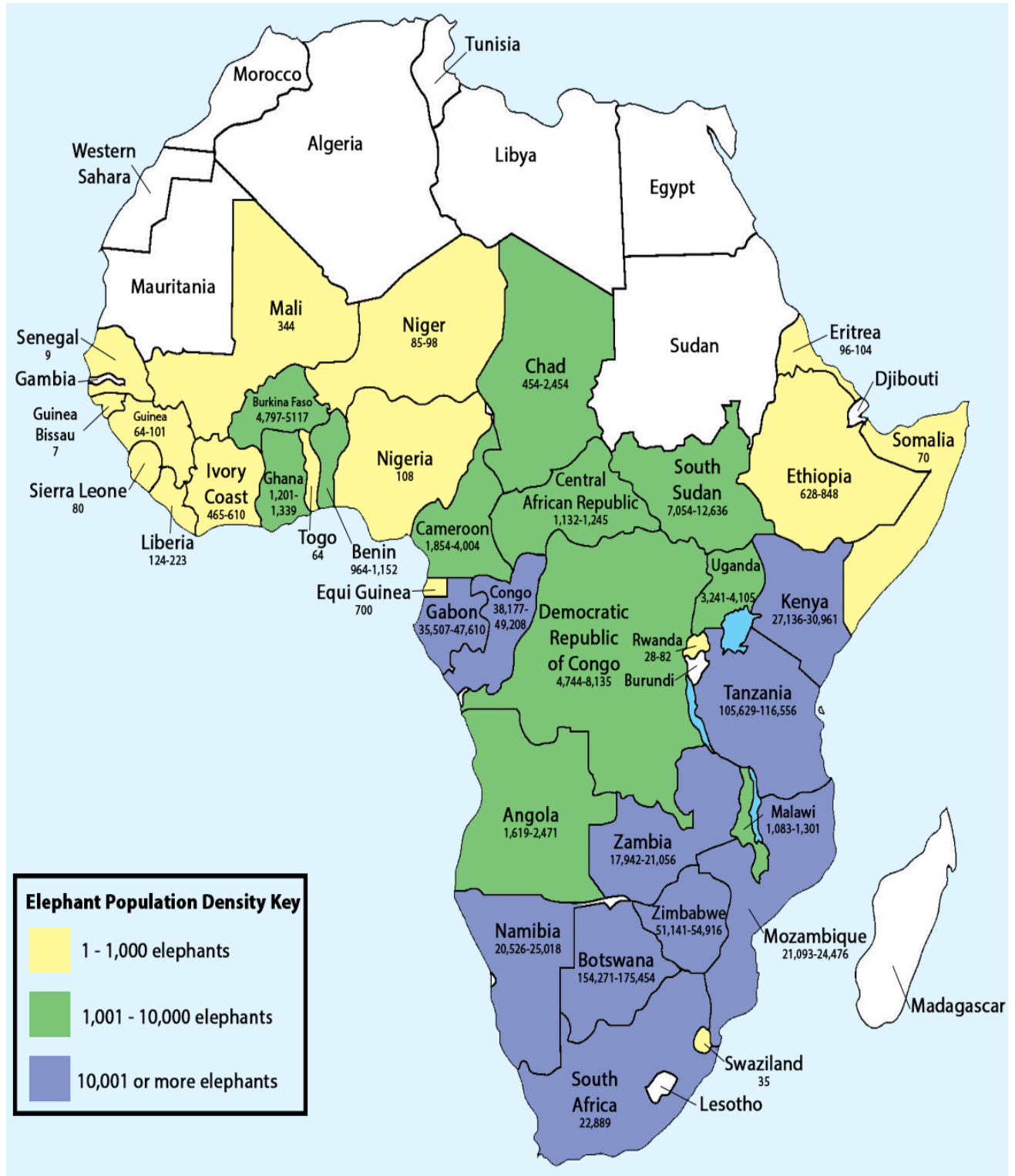
back in the Middle Ages. As of 2007 elephants inhabit only about 35 to 38 countries of Africa, south of the Sahara desert referred to as the ‘range States’. Their existence in Senegal, Somalia and Sudan is not certain according to CITES.¹⁹⁴ It is estimated that about 39% of elephant range is in Southern Africa, 29% in Central Africa, 26% in Eastern Africa and 5% in West Africa.¹⁹⁵

The map of Africa below shows elephant population density as at 2009 with the Republic of Botswana having the highest population estimated at about 160,000, followed by Tanzania with about 110,000 and Kenya has around 28,000 individuals. Despite the high poaching rate in the last five years the elephant population of the continent has been on the increase but countries like Senegal have lost all its population.

¹⁹⁴CITES, SC61 doc 44.2, “*Status of the Elephant Populations, Levels of Illegal Killing and the Trade in Ivory*”. Report to the Standing Committee of CITES, Annex 1. Sixty - first meeting of the standing Committee, Switzerland, 15-19 August 2011.

¹⁹⁵Blanc J., Barnes R., Craig, G., et al, *African Elephant Status Report of 2007*

Figure 3 - Map of Africa Showing Elephant Population Density - 2009



Source: IUCN www.elephantdatabase.org.

Poaching is the illegal killing or off-take of wild fauna and flora by use of any means or method. The wildlife conservation and management Act, 2013 of Kenya defines and interprets poaching as “illegal hunting, illegal capturing and illegal harvesting of any wildlife but does not include the control of species widely and commonly regarded as pests or vermin, as listed in the schedule of the Act.”¹⁹⁶ Elephants are poached for ivory as well as sold for entertainments in zoos and circuses around the world. As a result of poaching elephant population world over have greatly reduced to around 500,000 according to Rich Lowry¹⁹⁷ by the year 2013. TRAFFIC, a UN wildlife trade monitoring network estimates that there were only about between 420,000 and 650,000 elephants in Africa half of which are found in Botswana, Tanzania and Zimbabwe.¹⁹⁸ In the second decade of the 21st century TRAFFIC and Save the Elephant (a Kenyan wildlife NGO) estimate that between 25,000 and 35,000 elephants were killed every year on the African continent.¹⁹⁹

Poaching is an international crime which has had an unprecedented impact on the East Africa region. The demand for elephant ivory and rhinoceros horn has fuelled elephant and rhinoceros poaching making their populations to decline sharply in Africa, the Eastern Africa sub-region and Kenya. In Kenya wildlife crime has constantly evolved over time and presented new and sophisticated challenge to conservation and management of wildlife. Kenya is estimated to have 33,000 elephants, 1010 rhinoceroses and many other wildlife species across the country in conservation areas, private, county government and communal lands.²⁰⁰ Kenya in the yester years has had very high poaching levels of elephants and rhinoceroses which almost brought the

¹⁹⁶Republic of Kenya, The Wildlife Conservation and Management Act, 2013, Government Printers, Nairobi, p.7.

¹⁹⁷Lowry Rich; *Pity the Elephants*, National Review, August, 2, 2013,

¹⁹⁸Christian N. et al, *Elephants in the Dust, The African Elephant Crisis*, Birkeland Trykkeri As, Norway, 2013

¹⁹⁹Daniel Cressey, *Nations Fight Back on ivory*, Nature, November, 26, 2013

²⁰⁰The UN Chronicle, Fighting Wildlife Trade in Kenya, September, 2014, Vol. LI, No. 2

species to the brink of extinction. Poaching was majorly undertaken by armed gangs from the neighbouring Somalia in the past in areas outside the wildlife protected areas but today it is by locals supported by Asians living in the country.

Before KWS was created in 1989 the country experienced extraordinary poaching, insecurity in conservation areas, low morale in game department and general inefficiency. It was in reaction to the myriad wildlife conservation challenges that a uniform and disciplined agency was established and named KWS. The new agency brought a considerable improvement in securing wildlife, its habitat and instability to the tourism sector which is critical to the country's economy. Similarly, the public destruction by Kenya through burning elephant ivory and other assortment of trophy stockpile in 1989 together with the international ban in trade in elephant ivory by CITES which created international awareness of poaching menace, contributed to the decline in elephant and rhinoceroses poaching and the eventual recovery of their populations.²⁰¹

Again Africa is experiencing a re - emergence of unprecedented wildlife poaching and new challenges to wildlife security.²⁰² Wildlife trophy demand and in particular for elephant ivory and rhinoceros horn is making elephants and rhinoceroses poaching to resurface. Important to note is that poaching targeted new areas and the weapons preferred became snares and poisoning of wildlife over fire arm. New methods, routes and techniques of concealment employed by poachers and dealers in illegal wildlife trade have also evolved. Evidence of poaching indicates that if its levels are not reduced there is a danger of local extinction of

²⁰¹The UN Chronicle; Fighting Wildlife Trade in Kenya, September, 2014.

²⁰²CITES, The International Union For Conservation Of Nature (IUCN) and Traffic: *Status Of African Elephant Populations and Levels of Illegal Killing and The Illegal Trade In Ivory: A Report To The African Elephant Summit* (December), 2013

African elephants and rhinoceroses as had happened in some African range States in the recent past.²⁰³

The unsustainable levels of elephant hunting as well as poaching was noted early in history and during the first meeting of CITES in 1976 both the Asian and African elephants were placed under protection and their trade was regulated by moving them to appendices I and II respectively. By 1989 the African elephant was also moved to appendix I when poaching almost made the species extinct.

During its 1997 conference of parties (COP) CITES authorized establishment of two management systems for monitoring the illegal killing of elephants (MIKE) and elephant trade information system (ETIS).²⁰⁴ Stiles explains that “MIKE provides a site-based system in elephant range States for tracking the illegal killing of elephants, while ETIS tracks illegal trade in elephant through analysis of elephant product seizure records.”²⁰⁵ CITES records indicate that MIKE monitored 17,000 elephants were illegally killed in 2011²⁰⁶ in the continent and ETIS reported that by 2011 illegal elephant ivory trade had grown three times greater than 1998.²⁰⁷

Wildlife conservation experts believe that rhinoceroses have lived on earth for over 30 million years in Europe, Asia and Africa as evidenced by cave paintings.²⁰⁸ Scardina and Jeff estimate that 85% of rhinoceros’s population of the world has been lost within a span of about only twenty years to poaching from the 1970s and they argue that if the trend continues

²⁰³CITES, *New Figures Reveal Poaching for the Illegal Ivory Trade Could Wipe out a Fifth of Africa’s Elephants over Next Decade*, 2013

²⁰⁴Daniel Stiles, *The Elephant and Ivory Trade in Thailand*, TRAFFIC South East Asia, April, 2009

²⁰⁵CITES, *Elephants: MIKE and ETIS*

²⁰⁶CITES, *Elephant poaching Doubled and Illegal ivory trade tripled in Recent Years*, CITES, March, 6, 2013

²⁰⁷CITES, *Status of African Elephant Populations and Levels of Illegal Killing and the Illegal trade in Ivory: A Report to the African Elephant Summit 2*, CITES, IUCN and TRAFFI, 2013

²⁰⁸Lixin Huang, *Traditional Chinese Medicine and harmony of the planet*.

rhinoceroses will definitely become extinct before long.²⁰⁹ The Asian rhinoceros's species, the Javan, Indian and Sumartan are facing extinction courtesy of poaching crime as at 2011²¹⁰ and thus, majority of the rhinoceroses species are only found in African range States today.

In the last half of the 20th century rhinoceroses of Africa experienced two major crises; between 1960s and 1990s, rhinoceroses were poached almost to extinction and supplied horns for the Asian markets needed for traditional medicine and dagger handles for Yemen.²¹¹ In 1975 CITES listed the three Asian rhinoceroses species and the African white rhinoceroses under Appendix I of the Convention, thus banning international trade in the species and their trophies. The African black rhinoceroses was listed in appendix II allowing limited and conditional international trade through a permit system but the Southern White rhinoceroses was left out of the listing. The differentiated listing ended in 1977 when both species were listed in Appendix I until 1994.²¹² The decades of hunting of the African black rhinoceroses reduced their population from about 100,000 individuals in 1960 to as low as only 2410 in the early 1990s.²¹³ The Northern White rhinoceros's population of DRC was also poached to only a few animals remaining. Rhinoceroses poaching reduced significantly in the 1990s as a result of an international effort which brought an end to national horn consumption by Yemen, South Korea, Taiwan and mainland China.²¹⁴

²⁰⁹ Ayling Julies, *What sustains Wildlife Crime? Rhino Horn Trading and the Resilience of Criminal Networks*, 16 J. International Wildlife Law and Policy Y 57, 2013, pp. 57 – 80.

²¹⁰ Hannah Beech and Alex Perry, *Killing Fields, Africa's Rhinos Under Threat*, Time, June, 13, 2011

²¹¹ Emslie R.H. Thomas Milliken, and Talukdar B., *African and Asian Rhinoceroses – Status, Conservation and Trade*. CoP16 Doc. 54.2 (Rev. 1) Annex 2, CITES Secretariat, Geneva, Switzerland, 2012, P. 15.

²¹² Thomas Milliken, Emslie R.H. and Talukdar, B., *African and Asian Rhinoceroses – Status, Conservation and Trade* CoP15, Doc 45-1 Annexe CITES Secretariat, Geneva, Switzerland, 2009

²¹³ Thomas Milliken, Emslie R.H. and Talukdar, B., *African and Asian Rhinoceroses – Status, Conservation and Trade* CoP15,

²¹⁴ Pienaar D.J., Hall-Martin, A.J. and Hitchins, P.M., Horn growth rates of free-ranging white and black rhinoceros. *Koedoe* 34 (2), 1991, p. 105.

Africa was yet again hit by a major rhinoceros's crisis in 2008 when rhino poaching resurfaced with trade in rhinoceros's horn coming back in Vietnam. South Africa the country with the highest rhinoceros's population lost 83 animals in 2008 a huge increase from the previous year of 13 animals poached. Since then poaching became uncontrollable reaching 1,004 rhinoceroses poached in 2013. South Africa remained the epicenter of rhinoceroses poaching in Africa but Zimbabwe and Kenya also had their fair share of the species poaching during the period.²¹⁵ During this period of unprecedented rhinoceroses poaching new use for rhinoceros's horn and markets emerged in Vietnam and other areas of Asia making African rhinoceros's survival precarious. By 2013 98% of the African rhinoceros's population is found in South Africa, Namibia, Kenya and Zimbabwe. The African rhinoceroses population as had about 2,387 poached between 2006 and 2012 clearly showing that they were facing crisis which required urgent intervention to reverse the trend if only to save them from extinction.²¹⁶

3.3 Causes of Poaching

To understand the causes of poaching is not an easy endeavour. This is because there are many factors involved in the illegal wildlife trade which begins with a poaching incident in areas where wildlife occur, local receivers, facilitators, buyers and or carriers who move the illegal trophy beyond national borders to international consumers. Though information about poaching is difficult to get, there are international, national and local levels of causes of poaching.²¹⁷ The ever increasing demand for the illegal wildlife trophy where consumers are prepared to pay high

²¹⁵Maisels F., Strindberg S., Hart, J., *et al.*, *Devastating Decline of Forest Elephants in Central Africa*, 2013,

²¹⁶Emslie Richard et al. *African and Asian Rhinoceroses – Status, Conservation and Trade*, CITES, November, 20, 2009

²¹⁷Blanc J.J., Barnes R.F.W., Craig G.C., Dublin H.T., Thouless, C.R., Douglas-Hamilton, I. and Hart J.A., *African Elephant Status Report, an update from the African Elephant Database*, Occasional Paper Series of the IUCN Species Survival Commission. No.33. IUCN/SSC African Elephant Specialist Group, IUCN, Switzerland, 2007.

prices for the trophy irrespective of the source or its legality has been a constant reason for wildlife poaching. Carved elephant ivory has been an important luxury status symbol in the world for millennia. The recent awareness campaigns that linked elephant poaching with ivory consumption has drastically reduced demand in some traditional markets of Europe, North America and recently Japan.

The Chinese elephant ivory market which has been dormant since the 20th century has all over sudden become active and is currently the world's largest market for illegal elephant ivory according to ETIS report of 2012.²¹⁸ This has been attributed to the recent Chinese people's affluence and increased spending. The Chinese economy according to the World Bank report of 2012 has grown steadily for the last twenty years and much of the wealth being saved and the savings increased sharply between 1990 and 2006.²¹⁹ The international monetary fund (IMF) monitoring of private consumer spending trends show some correlation with the proportion of illegally killed elephants (PIKE) trends in Africa reported by the MIKE Programme.²²⁰ Important to note is the fact that there is no observed relationship for the traditional ivory markets like Europe, USA or Japan or even for transit countries of Malaysia, Philippines, Thailand and Vietnam.

The illegal trade in elephant ivory is mainly fuelled by demand but the ease with which it is available also exacerbates poaching because ivory is openly displayed in markets in several cities of Africa like Khartoum, Kinshasa, Lagos and Luanda.²²¹ The open manner in which these markets operate is a sign that law enforcement is weak despite the national legislation prohibiting

²¹⁸CITES, COP16 Doc. 53.1, Sixteenth meeting of the Conference of the Parties Bangkok (Thailand), 3-14 March 2011, *Interpretation and implementation of the Convention, Species trade and conservation, Elephants*.

²¹⁹World Bank, World Development Indicators, World Bank printers, Washington, DC. 2012.

²²⁰CITES, SC61 doc 44.2, *Status of the Elephant Populations, Levels of Illegal Killing and the Trade in Ivory*, Report to the Standing Committee of CITES. Annex 1, 2011

²²¹CITES, SC61 doc 44.2, *Status of the Elephant Populations, Levels of Illegal Killing and the Trade in Ivory*

the trade. Studies conducted by conservationists like Mubalama and others on the African elephant ivory markets shows that legislative control of the domestic markets weakens illegal ivory markets while lack of effective law enforcement will encourage them to thrive.²²² For example, the Chinese market is regulated and legal but there are enforcement limitations which give an opportunity for illegal ivory to thrive notes Martin and Vigne.²²³ The Chinese nationals who are increasingly coming to Africa for infrastructural developments are linking their target consumers directly with the source of ivory as they travel between Asia and Africa.²²⁴

At the national level, lack of effective law enforcement, poor governance, proliferation of small arms and light weapons and conflicts are the main causes of wildlife poaching and illegal trade in elephant ivory and rhinoceros's horn. Poor governance of the source and transit countries in managing export and import processes contribute significantly to the movement of elephant ivory and rhinoceros's horn across borders for law enforcement agents are often times susceptible to corruption.²²⁵

Analysis of MIKE data have consistently pointed to poor governance in range States, as the World Bank's worldwide governance indicators (WBWGI)²²⁶ or Transparency International's corruption perceptions index (TICPI)²²⁷ shows the link with poaching levels than any other indicator at the national-level. Further, poor governance has facilitated illegal trade in wildlife trophies along the trade chain beginning with poaching, smuggling and marketing of the

²²²Mubalama L., *Report on Wildlife Conservation Society and Monitoring the Illegal Killing of Elephants Programme, Kinshasa, DRC, 2005.*

²²³Martin E. and Vigne L., *The Ivory Dynasty*, A report on the soaring demand for elephant and mammoth ivory in Southern China. Elephant Family, The Aspinall Foundation and Columbus Zoo and Aquarium. London, 2011.

²²⁴Thomas Milliken, Burn R.W., Underwood F.M. and Sangalakula L., *the Elephant Trade Information System (ETIS) and the Illicit Trade in Ivory*,

²²⁵Christian N., Rannveig K. Forma, et al; *Elephants in the Dust, The African Elephant Crisis*, Birkeland Trykkeri as, Norway, 2013

²²⁶World Bank, *Worldwide Governance Indicators*, World Bank, Washington, DC., 2012.

²²⁷Transparency International *Corruption perceptions Index*, Transparency international, 2012

illegal trophies. Armed conflict in the source nations of Africa has also facilitated wildlife poaching. This is best exemplified by CAR and DRC where elephants have reportedly been poached by armed rebels and elephant ivory proceeds used to wage war on their targets.²²⁸ Rebel groups like LRA and the Janjaweed are reportedly involved in elephant poaching in CAR and ivory exchanged for cash, arms and ammunition to perpetuate conflict.²²⁹

At the local level poaching has been associated with a variety of socio - economic factors and cultural attitudes.²³⁰ For example, poaching and or hunting for bush meat is reported to have been caused by poverty and studies conducted by David Stiles indicate that elephants hunting for meat has increased as other sources of bush meat or sources of protein become scarce.²³¹ MIKE data shows that the level of poverty around MIKE programme areas as shown by the infant mortality rates and food availability index ²³² correlates with elephant poaching.²³³ Hunting for food - protein or ivory and or rhinoceroses horn has been a traditional source of food and income for African societies and lack of income has enabled poachers to engage local people who are familiar with wildlife areas and have compromised poorly paid enforcement agencies. Again studies have shown that reduced poverty has resulted in reduced poaching levels.²³⁴

²²⁸Beyers R.L., Hart J.A., Sinclair ARE, Grossmann F., Klinkenberg B. and Dino S., *Resource wars and conflict ivory, the impact of civil conflict on elephants in the Democratic Republic of Congo – the case of the Okapi Reserve*, 2011,

²²⁹CITES press release, CITES Secretary-General Expresses grave concern over reports of mass elephant killings in Cameroon. Released 28 February 2012

²³⁰Bitanyi S., Nesje M., Kusiluka L.J.M., Chenyambuga S.W. and Kaltenborn, B.P., *Awareness and perceptions of local people about wildlife hunting in Western Serengeti communities*. Tropical Conservation Science, 5 (2), 2012, p. 208.

²³¹Daniel Stiles, *Elephant Meat Trade in Central Africa: Democratic Republic of Congo Case Study*. IUCN, Gland, 2011.

²³² Franceschini G., Global Cattle Density, FAO GeoNetwork, 2005.

²³³ CITES, COP16 Doc. 53.1, Sixteenth meeting of the Conference of the Parties Bangkok (Thailand), 3-14 March 2013. *Interpretation and implementation of the Convention, Species trade and conservation, Elephants. Monitoring the Illegal Killing of Elephants*. Including Cop16 Doc. 53.1 Addendum, 2012

²³⁴Mfunda I.M. and Røskoft E., *Bush meat hunting in Serengeti, Tanzania: An important economic activity to local people*. International Journal of Biodiversity and Conservation, 2(9), 2010, p. 263.

The analysis of MIKE data have indicated that the proportion of elephant poaching in the MIKE study areas has been linked with the quality and efficiency of law enforcement in those areas. Meaning, poaching tend to be higher in areas with poor law enforcement than in areas with better law enforcement like inside national parks and reserves where poaching levels are lower.²³⁵ The fast increasing human population in Africa and particularly in Kenya has led to encroachment onto wildlife habitat leading to human – wildlife conflict and illegal killing of wildlife especially elephants though the motive for killing was not the trophy. Elephant killing human beings and destroying crops in areas adjacent to protected areas have also led to retaliatory killings. Although hundreds of elephants are killed every year as a result of human – wildlife conflicts, much more are poached for ivory.²³⁶

3.4 Types of Poaching

Poaching may be identified and classified depending on the scale, magnitude, type and sometime the kind of weapon used to execute wildlife crime as discussed below.

3.4.1 Large Scale Poaching

This is poaching which targets and illegally kills a congregated wildlife population especially elephants and rhinoceroses in a short span of time. Recorded cases show that they involved fire arms, large quantities of ammunition, aircrafts including military choppers. Crone reports incidents when large scale poaching was carried out by use of a very common weapon like Kalashnikov rifle when elephants congregate in groups as a defensive mechanism when they

²³⁵CITES press release, *CITES Secretary-General express grave concern over reports of mass elephant killings in Cameroon*. Released 28 February 2012

²³⁶Webber C.E., Sereivathana T., Maltby M.T. and Lee P.C., *Elephant crop-raiding and human-elephant conflict in Cambodia: crop selection and seasonal timings of raids*. *Oryx*, 45, 2011, p. 243.

sense danger.²³⁷ However, it should be noted that large scale poaching is not undertaken only by fire arms but also by means like poisoning as was the case when mass poisoning reportedly took place when hundreds of elephants were massacred in Zimbabwe in 2013.²³⁸

Conservationists identify two main groups who engage in large scale poaching. The first type is Non - State armed groups like the Sudanese based Janjaweed and the *Mai Mai* rebel group of DRC. These groups are armed heavily and undertake poaching in large scale and are usually more than ten people. The second type is military officers who are reported to use military weapons of all sorts. Large scale poaching evidence is usually arrived at through comparing DNA acquired from seized elephant ivory and rhinoceros's horn with DNA samples of mapped elephant and rhinoceroses populations.²³⁹

A report by Wasser and others indicate that DNA testing undertaken between the 2002 and 2006 on samples collected from elephant ivory seized in Asia showed that the ivory was from a small elephant population of related elephant herds which suggest that a particular geography elephant may have been targeted by poachers.²⁴⁰ The containers seized with hundreds of thousands of ivory mixed with rhinoceroses horns from hundreds of elephants and rhinoceroses are indicative of the involvement of transnational organized criminal syndicates. However, it should be noted that these shipment of elephant ivory and rhinoceros's horn is not

²³⁷Anton Crone, '*Beyond the Infinity Pool: Running a Park at the Sharp End of Conservation.*' *Africa Geography Magazine*. 3 October, 2014.

²³⁸Thornycroft, Peta and Aislinn Laing, '*Poachers Kill 300 Zimbabwe Elephants with Cyanide.*' *Telegraph* (United Kingdom). 20 October, 2013

²³⁹Christian N., Rannveig K. Forma, et al; *Elephants in the Dust: The African Elephant Crisis.*

²⁴⁰Wasser, Samuel, et al. , '*Combating the Illegal Trade in African Ivory with DNA Forensics.*' *Conservation Biology*, Vol. 22, No. 4, 2008, pp. 1065–71

necessarily from large scale poaching for it could be from government stores or stockpiles of trophy for a long time from several geographical locations.

Large scale poaching have been reported in some elephant and rhinoceroses range States like Kenya, Chad and Cameroon as a pointer to the extent to which large scale poaching occur and its disastrous effect on the populations. In Bouba N'Djida national park of Cameroon an estimated three hundred to six hundred elephants were reported poached by armed gangs in 2012 in a few days.²⁴¹ In 2013 about 89 elephants were reportedly killed in the Southern part of the Cameroonian national park which was a mix of adults, calves and females.²⁴² National parks across Africa are mostly not equipped to rise to the challenge of large scale poaching.

3.4.2 Small Scale Poaching

This is poaching of a single elephant or rhinoceroses or a group of individuals for trophy profit. Small scale killing of elephants and rhinoceroses is undertaken over a period of time contrary to large scale poaching which is about killing of a whole herd in a brief moment. Like large scale poaching, small scale poaching use fire arms and other methods to kill wildlife. Small scale killing of wildlife is motivated by proceeds from poaching just as the large scale poaching. The culprits of small scale illegal killing of wildlife vary greatly. In some instances local people operating in small groups with the knowledge of the geography of the wildlife areas poach and supply the trophy dealers who also have the knowledge of the market. Example of small scale poaching has been recorded in many parts of Kenya where fire arm is used or other silent methods of poaching like snares, spears, artisanal weapons, poison and poisoned arrows. Silent

²⁴¹UNEP et al, '*Elephants in the Dust, the African Elephant Crisis, A Rapid Response Assessment.*' Arendal, Norway, 2013

²⁴²World Wildlife Fund, New Zealand, 2013, '*Poachers Kill at Least 89 Elephants in Chad,*'

methods are used usually in areas where security patrols are conducted because law enforcement officers' will not be alerted as the case is with fire arms poaching.

Poachers travel to elephant and rhinoceroses areas to illegally kill small numbers of animals. This type of poachers are usually organized in to a group comprising of two to twelve individuals including those who carry the trophies and use specialized hunting rifles or military firearms. They poach to self-finance after selling the elephant ivory or rhinoceroses horn which is well structured with known buyers to avoid arrest by law enforcement agents. In this category of poaching are Military personnel and law enforcement agents who engage in the crime opportunistically or through planned process.

The CITES report of 2014 indicate that although large scale poaching of elephants has not been reported recently in the East African region, poaching had increased by 40%.²⁴³ Rhinoceroses population is not as big as those of elephants and also they do not live in big herds or migrate. As a result of this rhinoceroses are mostly poached individually and not in large or small groups. Therefore, rhinoceros's horn is delivered in smaller numbers as opposed to elephant ivory and this also is indicative of the high value of rhinoceros's horn than the elephant ivory.

3.5 Elephant Ivory and Rhino Horn Market

The two elephant ivory markets are for raw and worked ivory which sale whole or cut elephant tusks and finished products like jewellery, trinkets, and signature seal blanks and figurines respectively. Worked or finished ivory is usually sold in retail shops or markets which range from expensive stores, shops, boutiques and even on the Internet. Raw ivory are rarely sold

²⁴³CITES Secretariat, '*CITES Secretary-General Expresses Grave Concern over Reports of Mass Elephant Killings in Cameroon,*'

in open markets as finished ones which are displayed in retail shops and markets and sold through middlemen who operate in some secret places and even use the Internet.

Most African nations until recently had illegal open worked ivory markets except Kenya which banned elephant ivory working and trade before the 1989 CITES ban in the international trade in ivory. In 1989 the ivory trade review group conducted a survey of some selected ivory markets in order to generate a baseline data for CITES ban.²⁴⁴ A survey covering 15 elephant range States was conducted in 1999 to assess effects of the ban by Martin and Stiles and with exception of Nigeria findings of all other countries indicated a decline in ivory demand and reduced ivory markets as shown by prices and carvers in that business, points of sale for the commodity and the amount of sales.²⁴⁵ This survey finding supported the expected outcome of CITES ban on trade in elephant ivory which was to suppress ivory market. The following nations had large markets starting with the large to small market - Côte d'Ivoire, Egypt and Zimbabwe. Gabon had a reduced market which suggested that local market closure can reduce ivory trade bringing down its consumption. The ivory business unfortunately again restarted in the middle of 1990s.²⁴⁶

Since the surveys done by Cobb, Martin and Stiles in 1989 and 2000 only piecemeal ivory market surveys have been conducted in few selected nations from which the following conclusions were drawn: that nations with weak internal legal controls like Angola, DRC, Egypt, Mozambique, Nigeria and Sudan had ivory trade thriving. Open ivory sales however, had greatly reduced in countries like Cameroon, Congo Brazzaville and Ethiopia due to enhanced law enforcement but ivory business have increased greatly in countries such as Nigeria and Sudan

²⁴⁴Cobb S., *The ivory trade and the future of the African elephant*; unpublished report prepared for the 7th CITES Conference of the Parties, Oxford, UK: Ivory Trade Review Group, 1989.

²⁴⁵Martin E. and Daniel Stiles, *The Ivory Markets of Africa, Save the Elephants*, Nairobi, Kenya and London, 2000.

²⁴⁶Martin E. and Daniel Stiles, *The Ivory Markets of Africa, Save the Elephants*, 2000.

where Chinese nationals are purchasing the commodity. Diplomats, UN personnel and tourists are also known to be purchasing ivory. It has further been observed that ivory used locally in Africa had reduced both in size and quality probably the bigger and better quality ivory is exported where better prices are offered in the global black market.²⁴⁷

Ivory is mainly acquired illegally from Africa, processed and sold in Asia where worked ivory is legal albeit with restrictions. In India, Sri Lanka and Nepal trade in ivory is illegal but some ivory illicit markets exist.²⁴⁸ Since the 1970s until 1990s worked ivory was mainly for export but when the trade was banned in 1989 the biggest markets were Hong Kong, Japan, Thailand and Taiwan but had reduced significantly in China and Hong Kong. There were about 2,300 ivory carvers in China and Hong Kong in 1985 but by 2002 it had reduced to about 200 with Chinese factories also reducing from 20 large ones to about only 10 small ones.²⁴⁹ This reduction shows decline in demand for worked ivory in China probably due to CITES trade ban of 1989 which may have also been caused by drop in demand from European markets.

By 1996 ivory market activities in China have risen as shown by increase in ivory seizures in 1997, increase in ivory outlets and ivory displayed for sale between 2002 and 2011 in Guangzhou. Also observed was increase in registered ivory factories from 20 in 2002 to 36 by the end of 2011.²⁵⁰ In Hong Kong the ivory market has reportedly been stable since the 1990s indicating that elephant ivory trade had reduced.²⁵¹ The Taiwan market has also diminished with ivory being sourced from China an indication that it is only in China that market is thriving as

²⁴⁷Martin E. and Daniel Stiles, *The Ivory Markets of Africa*, Save the Elephants, 2000

²⁴⁸Menon V., Sukumar R. and Kumar A., *Signed and Sealed, the Fate of the Asian Elephant*, Asian Elephant Research and Conservation Centre, Bangalore, 1998.

²⁴⁹Martin E. and Daniel Stiles, *The South and South East Asian Ivory Markets*, 2002.

²⁵⁰Gabriel G., Hua N. and Wang J., *Making a Killing: A 2011 Survey of Ivory Markets in China*. IFAW, Yarmouth Port, Massachusetts, USA, 2012.

²⁵¹Martin E., Martin C. and Vigne L., *The importance of ivory in Philippine culture*. *Pachyderm*, 50, 2011, p. 56.

opposed to other parts of Asia, such as in Japan, Thailand, Vietnam and Myanmar where ivory markets are depressed.²⁵² According to Martin and Stiles there is limited information on ivory trade in Asia since 2001 but ETIS point to an increase in large ivory shipments to Asia.²⁵³ China, Thailand and Vietnam are reported to be the main destination for illegal wildlife products of Africa.²⁵⁴ Historically, finished ivory markets of Asia were mainly for export and sale to foreign visitors after polishing but because of recent economic development of the region local Asians have also become consumers as well.

European Union (EU) passed a law in 1997 which legalized working and sale of ivory in member nations but EU rules must be adhered to.²⁵⁵ Europe in the 1980s imported and manufactured large amounts of elephant ivory making it one of the largest importers in the world. But as a result of the trade ban by CITES and subsequent awareness of the European consumers the demand for new ivory fell significantly. However, the market for old ivory is still there especially in Great Britain.²⁵⁶

Ivory trade surveys made in the last decade showed that Great Britain and Germany have large markets with Belgium, Italy, Spain, Portugal and France having relatively small markets most of which is old ivory imported before the ban of 1989 and therefore, legal although some illicit ivory was found according to Knapp et al.²⁵⁷ The ETIS reports support these findings that

²⁵²Vigne L. and Martin E., *Consumer demand for ivory in Japan declines*. Pachyderm, 47, 2010, p 45

²⁵³Martin E. and Daniel Stiles, *The South and South East Asian Ivory Markets*, 2002.

²⁵⁴Thomas Milliken, Burn R.W., Underwood, F.M. and Sangalakula, L., *The Elephant Trade Information System (ETIS) and the Illicit Trade in Ivory: A report to the 16th meeting of the Conference of the Parties to CITES, COP16 Doc. 53.2 (Rev. 2)*, Geneva, 2012.

²⁵⁵Martin E. and Daniel Stiles, *Ivory Markets of Europe*, Care for the Wild International, West Sussex, UK, and Save the Elephants, Nairobi, Kenya and London, UK, 2005.

²⁵⁶Martin E. and Daniel Stiles, *Ivory Markets of Europe*, 2005.

²⁵⁷Martin E., Martin C. and Vigne L., *Recent political disturbances in Nepal threaten rhinos: lessons to be learned*, Pachyderm, 45, 2009, p.98.

some illegal unworked and unpolished ivory were intercepted in these European nations.²⁵⁸ International wildlife conservation and the international fund for animal welfare (IFAW) have also reported existence of illicit ivory trade in Great Britain and on the internet which it says require monitoring for it to be controlled.²⁵⁹

In the 19th and 20th centuries both Europe and the USA were major ivory markets and manufactured piano keys, billiard balls, bangles and other products.²⁶⁰ By 1950s, American ivory products were replaced by those made from plastics and cheap Japanese ivory and further come 1970s raw ivory imports had greatly reduced with worked ivory coming from Hong Kong although there were still around 1,400 registered ivory carvers in the US in 1980s.²⁶¹ The US banned import and export of new ivory which are less than a century old in compliance with the CITES elephant ivory trade ban of 1989 and the market collapsed. However, to deal in African elephant ivory is still licensed by the US but must have been imported before the trade ban of 1989 and there are about 200 craftsmen in the US.²⁶² The ivory market of the US is the second largest in the world behind China due to its large population and economy despite the greatly reduced trade. Surveys of ivory undertaken between 2004 and 2007 indicated an increased illicit ivory entering the US which is also encouraged by internet sales.²⁶³ ETIS analysis shows that

²⁵⁸Thomas Milliken, Burn R.W., Underwood, F.M. and Sangalakula L, The Elephant Trade Information System (ETIS) and the Illicit Trade in Ivory, CITES, Geneva, 2012.

²⁵⁹IFAW, *Bidding for Extinction Rampant ivory trade on eBay threatens elephant survival*. Yarmouth Port, Massachusetts, USA, 2007.

²⁶⁰Martin E. and Daniel Stiles, *The Ivory Markets of the USA*, 2008

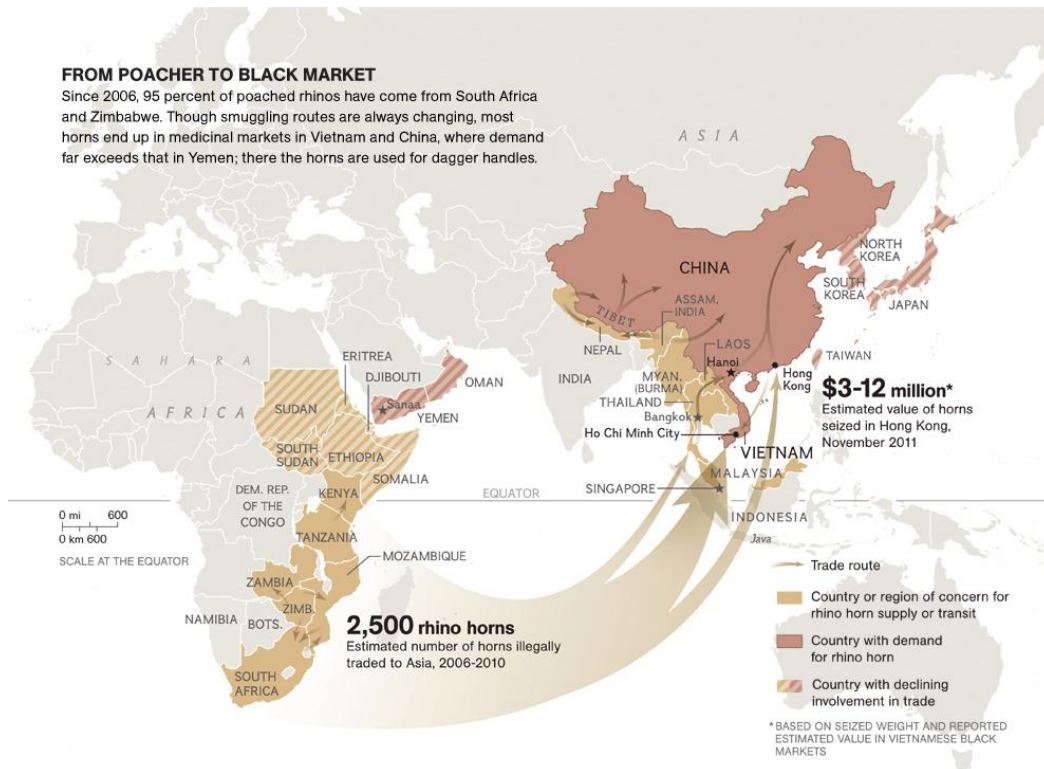
²⁶¹Cobb S., *The ivory trade and the future of the African elephant*, 1989

²⁶²Martin E. and Daniel Stiles, *The Ivory Markets of the USA*, 2008

²⁶³Williamson D. F., *Tackling the Ivories, The Status of the US Trade in Elephant and Hippo Ivory*. TRAFFIC North America, World Wildlife Fund. Washington D.C., USA, 2004.

there were many ivory seizures in the US though small in sizes, which are an indication of non - involvement of transnational organized syndicates.²⁶⁴

Figure 4 - Map of the World showing Rhino Horn illicit Market/Route



Source: save the rhino.org

The map above shows how the rhinoceros's horn leaves the source markets of Africa and ends up in the main consumer countries of China and Vietnam and the routes it follows. The main source markets include South Africa (95%), Zimbabwe, Zambia, Mozambique, Tanzania and Kenya. For example, the Republic of South Africa supplied an estimated 2,500 rhinoceros's horn illegally to the Asian market between 2006 and 2010 as shown on the map. It also shows other markets like Yemen, Oman and Japan which declined in the rhinoceros's horn trade despite

²⁶⁴Thomas Milliken, Burn R.W., Underwood, F.M. and Sangalakula, L., *The Elephant Trade Information System (ETIS) and the Illicit Trade in Ivory*, Geneva, Switzerland, 2012.

the trade in the horn increasing in China and Vietnam. In 2011 alone an estimated USD 3 – 12 million value of rhinoceros's horn were seized in Hong Kong.

Chinese have used the rhinoceros's horn for medicinal purposes for thousands of years as a drug that clears heat and together with other drug ingredients treat several ailments. The horns were also carved into libation cups and chalices which are believed to detect poison in the human body. The rhinoceroses horn is composed of keratin material which is protein found in finger nails and hair. Because of the belief of medicinal properties in the rhinoceros's horn the demand for it has been higher than ever before in many countries. In the 1970s and 1980s China was not a market for rhinoceros's horn but it picked up in the 1990s. When it became a member of CITES it banned trade in the commodity.²⁶⁵

Japan was the leading rhinoceros's horn market in Asia where it was the major market for the sale of manufactured medicine and branded products in the 1970s. When Japan joined CITES the rhinoceros's horn use and demand declined drastically and the trade moved to South Korea and it became a major rhinoceros's horn destination in Asia in the 1980s. In 1990s South Korea also banned trade in rhinoceros's horn when threatened with sanctions by the Western powers. In the 1980s and 1990s, Taiwan was the biggest rhinoceros's horn market in Asia around the time when most of Zimbabwe's rhinoceroses were poached. Taiwan government conducted research to establish the efficacy of the rhinoceros's horn and when it recommended that the horn was not worth using, it banned its use in 1985.²⁶⁶

²⁶⁵Christian N., Rannveig K. Forma, et al, *Elephants in the Dust, the African Elephant Crisis*.

²⁶⁶Christian N., Rannveig, K. Forma, et al, *Elephants in the Dust, the African Elephant Crisis*.

The trade in rhinoceros's horn in Asia seems linked to the economy and increased income levels of the people. Vietnam has had high economic performance in the last decade when demand for wildlife trophies particularly the rhinoceros horn increased tremendously. The rhinoceros horn is a symbol of status for the rich Vietnamese and is used in trade agreements. It is also made in to powder form and drunk after adding water. The horn is further used as a 'miracle cure' for cancer when used together with the conventional treatment. With these diverse uses for the rhinoceroses horn and the alarming poaching rate there is an urgent need for action by Vietnam as the major destination for the horn.

3.6 Elephant Ivory Seizures

Since 2007 the illicit trade in elephant ivory has increased tremendously. It is estimated to be almost three times the volume traded in 1998. The findings of ETIS and the results of MIKE programme show that elephants are in serious crisis since the 1989 CITES trade ban. Kenya and Tanzania are at the moment major points of exit for illegal elephant ivory according ETIS report. Between 2009 and 2011 16 of the 34 elephant ivory seizures were exported through these two countries' seaports while South Africa also has had ivory exported through its Indian Ocean seaports in the recent past.²⁶⁷ The destinations for the illegal ivory export from Africa are primarily Thailand and China with Malaysia, Philippines, Vietnam and Hong Kong as transit nations. CITES have identified these nine countries as having been involved in the illegal ivory business in one way or another. The ETIS records which are provided by government authorities or NGOs also show ten more nations as sources of elephant ivory, points of transit or local

²⁶⁷Christian N., Rannveig K. Forma, et al, *Elephants in the Dust, the African Elephant Crisis*.

markets. The countries are Taiwan, Uganda, Nigeria, Mozambique, Gabon, Ethiopia, Egypt, DRC, Congo Brazzaville and Cameroon.²⁶⁸

Along the ivory trade routes are transnational organized criminal syndicates most of whom are from Asia always thwarting law enforcement efforts fighting the crime and poor governance including corruption which facilitates illegal ivory and other wildlife trade. Law enforcement data generated by ETIS have been used to monitor illicit trade in elephant ivory since its inception. ETIS have over 19, 000 documented cases of elephant ivory seizures by January, 2013 since the 1989 trade ban in 90 countries.²⁶⁹ The ETIS seizure data is supported by mini databases located all across the range States thus making the data reliable for accuracy.

To understand and interpret seizure information is important for production of reliable trends of illegal ivory trade for sound elephant conservation decision making purposes. The ETIS information gives indications of amount of seizures and the dynamics behind the trade like countries, new trade routes and organized criminal syndicates involved in the large ivory hauls. The analysis looks at the seizure data as per the type of ivory whether raw or worked, weight classification of less than 10 kilograms, less than 100 kilograms and more than 100 kilograms. This is important because the trade dynamics differ according to type of ivory and its weight. Large amounts of raw ivory movement across the international borders is usually by organized criminal syndicates as opposed to small amounts recovered at the exit or entry points which are usually bought by a tourist from a foreign country during the visit.

The illegal ivory transaction was relatively low in the 1990s till early part of 21st century. It gradually increased each year and reached its peak in 2011 when it reached three times higher

²⁶⁸Christian N., Rannveig K. Forma, et al, *Elephants in the Dust, the African Elephant Crisis.*

²⁶⁹Christian N., Rannveig K. Forma, et al, *Elephants in the Dust, the African Elephant Crisis.*

than previous years. Between 2009 and 2011 34 seizures were made according to ETIS records which were record high. There were 8, 9 and 17 large seizures of 800 kilograms or above made in 2009, 2010 and 2011 respectively of about 61 tones of illicit ivory mostly destined for China and Thailand.²⁷⁰

Table 3- Number/Estimated Weight of Large Scale Elephant Ivory Seizures

Year	Air		Sea		Land		Total	
	Number	Weight	Number	Weight	Number	Weight	Number	Weight
2009	3	2,364	7	15,915	3	3,898	13	22,177
2010	4	6,390	6	8,035	1	616	11	15,041
2011	3	3,808	16	27,939	2	3,084	21	34,831
2012	1	601	9	17,683	3	6565	13	24,849
2013	1	797	11	31,069	6	9,808	18	41,674
Total	12	13,960	49	100,641	15	23,971	76	138,572
%	0.16	0.10	0.64	0.73	0.20	0.17		

Source: ETIS, 2009 - January 2014

Majority of large ivory seizures made since 2009 were inside a container shipped through seaports of Africa to Asia as shown by the table above. This is because sea transport is cheap in moving large commodities like ivory in comparison to air transport and also has reduced chances of detection. Similarly, containerized shipping poses a challenge to law enforcement given the fact that minimal number of containers is inspected, about only 5%. Many countries of Africa have no adequate technological equipment to handle shipments like scanner machines to scan cargo containers to detect illegal shipments. Important to note is the lack of focus of source countries to inspect export cargo. Another mode of illegal ivory transport is through air although

²⁷⁰Christian N., Rannveig K. Forma, et al, 2005, *Elephants in the Dust, the African Elephant Crisis*.

relatively expensive. Table 3 shows increased ivory seizures from 2009 to 2013 from 13 weighing 2,177 kilograms to 76 weighing 138,572 kilograms respectively. The table also shows seizures on land within Africa through law enforcement.

The illicit rhinoceros's horn trade by organized syndicates of Asian nationals based in Africa is thriving. They buy the horn and illegally move it to markets in Asia especially Vietnam. These Asian groups are involved in this business by supporting and benefiting from the rhinoceroses poaching in Africa but actual poaching is done by the nationals of African countries who operate in constantly changing groups. It has been established between 2005 and 2013 that Asian nationals do not directly engage in rhinoceroses poaching in Africa except the legal sport hunting in countries like South Africa.²⁷¹ According to TRAFFIC records, 148 rhinoceros's horn seizure cases have been reported since 2009 in 21 nations worldwide. South Africa which has the largest rhinoceros's population contributes the biggest number of illegal rhinoceros's horn to the illicit trade most of which is of white rhino subspecies.²⁷²

Table 4-Number of Rhino Horns/Total Weight Seized

Year	Number of Seizure Cases	Reported number of rhino horns or pieces of horn	Reported weight (kg) of rhino horns	Estimated number of horns	Estimated horn weight (kg)
2009	16	44	54.03	51	138.91
2010	44	120	85.8	130	373.1
2011	31	76	104.82	84	207.83
2012	26	137	76.17	149	403.83
2013	25	167	137.51	167	346.01
2014	6	35	44.1	35	91.36
Total	148	579	502.43	616	1,561.04

Source: TRAFFIC data, 2009 - 27th March, 2014

²⁷¹Christian N., Rannveig K. Forma, et al, 2005, *Elephants in the Dust, the African Elephant Crisis*.

²⁷²Thomas Milliken, Burn R.W., Underwood, F.M. and Sangalakula, L. The Elephant Trade Information System (ETIS) and the Illicit Trade in Ivory, CITES, Geneva, Switzerland, 2012.

Table 4 shows data provided by TRAFFIC that 616 rhinoceroses horn weighing about 1,561 kilograms were seized world over between 2009 and 2014 and 2013 the year when the largest number of horns were seized which is not suggestive of the high number of poaching in 2013 for the horns are usually held before being moved to where it is seized on transit or at the destination.

The next chapter discusses the role of wildlife poaching in international terrorism with a focus on Kenya.

CHAPTER FOUR

ROLE OF WILDLIFE POACHING IN INTERNATIONAL TERRORISM

4.1 Introduction

In the preceding chapter, the factors causing wildlife poaching in Kenya is discussed and analyzed. This chapter discusses the role played by wildlife poaching and trade in international terrorism.

4.2 Role of Poaching in International Terrorism

The African continent has had a fair share of political instability and conflict for a long time. Instability is a recipe for criminality including wildlife poaching, trafficking and other lucrative environmental crimes.²⁷³ Big conflicts and wars may have decreased in the continent but internal conflicts and fighting are common place in areas like DRC, CAR, South Sudan and Sudan, Burundi and in many more countries. Conflicts and wars have serious effect on wildlife populations especially elephants and rhinoceroses which have ivory and horn that can be sold in domestic and foreign markets to raise funds for illegal activities including terrorism.

There is much that is unknown about the nexus of poaching and violent crime including international terrorism, but security experts are of the view that proceeds from poaching has become a source of finance for violent extremists and terrorist organizations. This is because these groups know that wildlife products especially elephant ivory and rhinoceroses horn can provide sufficient revenue to finance their activities and utilized as collateral just like gold. Further, these violent groups are able to easily access the remote wildlife areas without detection and carry out their heinous criminal acts and leave. It is important to note that insurgent groups

²⁷³Bouché P., Mange R. N. M., Tankalet F., Zowoya F., Lejeune P. and Vermeulen C. Game over! Wildlife collapse in northern Central African Republic, *Environmental Monitoring & Assessment* 184:11, 2012, pp.7001-7011.

and militia involved in poaching and trafficking of wildlife contraband is really not a new phenomenon. In the 1970s and 1980s rebel insurgent groups like UNITA and RENAMO of Angola and Mozambique were reported to have been involved in massive elephant poaching and exporting ivory to finance their activities.²⁷⁴

In the past decade, INTERPOL, the United Nations Office for Drugs and Crime (UNODC) and the United Nations Environmental Programme (UNEP) have all warned against the rise in organized transnational environmental crime. More sophisticated ways of illegally extracting resources as well as more advanced methods of laundering both illegally extracted resources and the proceeds from the illegal trade have been observed. Furthermore, violence, murder and corruption associated with criminal cartels undermine both human and State security. Environmental crime is particularly attractive to these groups when compared with other forms of criminal activity because of its high profit margin coupled with a low probability of being caught and convicted due to the fact that transnational law enforcement in this sector is limited in the continent of Africa.²⁷⁵

Transnational organized environmental crime involves primarily five key areas of illegal logging and deforestation, illegal fishing, illegal mining/trade, illegal dumping/trade in hazardous and toxic waste and illegal poaching and trade in wild fauna and flora. The illegal trade and poaching of wild fauna and flora alone is estimated to be worth USD 5 - 20 billion annually, and this money is often used to finance conflicts of various forms.²⁷⁶ The role terrorist groups have in environmental crime is one of clear opportunistic appetite and survival instinct with tragic environmental consequences. From a business perspective, poaching and illicit

²⁷⁴Ifaw, *Criminal Nature, The Global Security Implications of Illegal Wildlife Trade*

²⁷⁵UNODC, *Transnational Organized Crime in the Fishing Industry*, Focus on: Trafficking in Persons, Smuggling of Migrants, Illicit Drugs Trafficking, United Nations Office on Drugs and Crime, Vienna, Austria, 2011.

²⁷⁶Nir Kalron, *Role of Private Sector*

elephant ivory and rhinoceros's horn serve as a funding mechanism that is relatively abundant, easily obtained, and highly priced. It is estimated that one kilogram of elephant ivory can fetch between USD 250 - 400 in the East African illicit market.²⁷⁷

4.3 Wildlife Poaching Financing International Terrorism

The issue of wildlife poaching funding international terrorism has constantly emerged but concrete and tangible evidence to connect terrorism to wildlife poaching is not easy to acquire. Available proof has been of eyewitnesses giving accounts of events, incidences observed or sometimes recorded conversations. To get documentary evidence has been a challenge; however, there has been video clips released by Al Shabaab terrorist groups which have provided some evidence about wildlife poaching by terrorists.

A 2011 investigation report by the Elephant Action League (EAL) has generated a debate and a reference for discussion when it claimed that proceeds from wildlife poaching finances up to 40% of terrorism activities of Al Shabaab most of which is trafficked via Kenya.²⁷⁸ The report, points to the role of Al Shabaab in trophy trafficking which has raised great concern to conservationists, governments and the public. The role of Al Shabaab is more than just wildlife poaching and its trophy trafficking, but a major link in the chain, enabling them to reap huge profits from the trade. The strength and unrelenting conviction of Al Shabaab to continue its terrorism war will increase the need for fighters, weapons and equipment and the need for more and more funds.

²⁷⁷Nir Kalron, *Role of Private Sector*, 2015.

²⁷⁸Bennet Seftel, *Terrorism Finance and Wildlife Poaching*

Until 2012 when Al Shabaab was thrown out of the port city of Kismayu where they were making lots of money from the thriving charcoal business, taxation and other extortion activities, they not only lost power but also revenue streams. The Council on Foreign Relations of the US notes that Al Shabaab also receives funds from kidnappings and from other terrorist groups. They further belief that although it is an achievement for Al Shabaab to have been removed from their strong hold in Somalia, the group may have turned to wildlife poaching to substitute for the revenue loss.²⁷⁹ While it is good that efforts to cut funding to Al Shabaab have been successful in some areas, some belief that it has led the group to turn to poaching to make up for that lost income.

In a report by Saunders of April 2013 written for ICCF about terrorism and wildlife poaching by Al Shabaab, he points out how poaching proceeds are aiding terror activities. Kenya experienced massive elephant and rhinoceroses poaching as from 2011 in almost all elephant and rhinoceroses range areas. The unprecedented threat to rhinoceroses and elephants was mainly as a result of the participation of heavily armed poachers who operate in syndicates of organized groups or organizations of fundamentalists from within Kenya or coming from Somalia. Elephant ivory and rhinoceros's horn can provide easily accessed source of finances to terrorists in Kenya and Somalia.

Traces of evidence have been reported by wildlife organizations with security teams operating in wildlife areas attesting to an increase in Al Shabaab activity in East Africa with finances generated from trophy trade. Wildlife poaching funds terrorist groups and especially Al Shabaab in the Horn of Africa without law enforcement deterrence to stop their access. Wildlife

²⁷⁹Bennet Seftel, *Terrorism Finance and Wildlife Poaching*, 2015.

as a source of funding for terrorism operations is a very accessible avenue for terrorists, and hence, they take advantage of it.

Saunders also observes that the unprecedented increase in wildlife poaching as well as its complex mode of operation has gone beyond the local law enforcement capabilities.²⁸⁰ Also important to note is the sharp increase in ivory and rhinoceroses horn prices as a result of increased demand from China, the main market which has added to the already existing challenge of wildlife security. Anti-poaching operations are no longer a simple law enforcement exercise but rather have become an operation of some sort of counterinsurgency which involves notorious and crime syndicates of global terrorist groups. The result has been an overstretched resources and insufficient deterrence. Wildlife organizations world over are not trained nor equipped to fight terrorists, insurgent groups or rebel armies as is expected of the African Wildlife Agencies like KWS, the South African parks, Uganda Wildlife Authority (UWA) and other Wildlife Authorities of Africa.

The proponents of the nexus of wildlife poaching and international terrorism are increasing by the day. For instance, Christy Brian of National Geographic reports to have conducted an investigation in to the nexus of the two crimes in Africa where he discovered, first-hand, the routes used by the LRA, a terrorist group headed by Joseph Kony, to transport illegal elephant ivory. During his trip to the DRC and CAR, Christy claims to have interviewed several witnesses, including LRA defectors and victims, as well as anti-poaching rangers, who said that Kony hunts elephants and collects ivory to help fund his reign of terror. Martin Regan, a Foreign

²⁸⁰Christy Brian, *wildlife trophy poaching and terrorism*

Affairs officer with US State department's bureau of conflict and stabilization operations, echoed this sentiment when he explained that elephant ivory is a savings account for Joseph Kony."²⁸¹

The terror attacks may not seem like an environmental crime, but it has been noted with concern that there is a connection between the terrorist attacks especially the Westgate attack of Nairobi that killed about 68 people and many more injured and the illegal wildlife poaching and trade.²⁸² President Obama established a task force on wildlife trafficking in July, 2015 and an advisory council which included cabinet members and executives from the major anti-trafficking and wildlife conservation organizations in an effort to establish this nexus. Several countries including the US and Kenya burned ivory and assortment of trophies which were seized from traffickers over the years in 2015 to communicate about the wildlife poaching crisis to the world.²⁸³ Over and above the preservation of lives of rhinoceroses and elephants, wildlife poaching and its trafficking is now known to be a threat to national security. In addition to other reasons wildlife poaching and illegal trade has been observed to be a major source of funding for terrorist organizations.

Al Shabaab released a video showing its involvement in wildlife poaching in October, 2015 in which they claimed to need no hunting license and that the jihad war is the *tourism of the ummah (nation)*, and then proceeded to kill wildlife in Boni Forest in Kenya. The connection of terrorism and wildlife poaching is a subject that has generated a debate.²⁸⁴ Critics have argued against the EAL's finding. A report issued in September, 2015 by the Royal United Services Institute concluded that an illusion of terrorism and wildlife poaching nexus only distracts policy

²⁸¹Christy Brian, *wildlife trophy poaching and terrorism*, 2015.

²⁸²New York Times,

²⁸³New York Times, report on the US government issue on poaching and terrorism, 2013.

²⁸⁴Bennet Seftel, *Terrorism Finance and Wildlife Poaching*, 2015.

makers and law enforcement agencies from effectively managing the limited resources to tackle terrorist funding and the illicit wildlife poaching. The New York Times on the Council of Foreign Relations' website also claimed that the connections between wildlife poaching and terrorism diverts attention away from combating the real sources of terrorist funding like private donations, extortions, contraband sugar, Diaspora remittances and charcoal.²⁸⁵

Illegal wildlife poaching and trafficking also presents an economic and security challenge in Africa and particularly in Kenya. Wildlife poaching and trafficking has become more organized, more lucrative and more dangerous than ever before with poachers reported to be using helicopters, sophisticated weaponry, night vision goggles, satellite phones to overwhelm and even kill wildlife rangers and law enforcement officers. Poaching of elephants and rhinoceroses is a tragedy but the criminality supported by the proceeds from the sale of elephant ivory and rhinoceroses horn, go beyond and include terrorist activities. Wildlife poaching proceeds are used to pay for the weapons used by terrorists to kill innocent people, including the military, police and wildlife officers. Highlighting this connection between the sale of elephant ivory, rhinoceros's horn and violence is important because it is a powerful tool in fighting the ever increasing demand for poached wildlife trophies.

The next chapter puts in perspective the existing measures employed by Kenya in curbing the menace of wildlife poaching and trade in the country.

²⁸⁵ Bennet Seftel, *Terrorism Finance and Wildlife Poaching*, 2015.

CHAPTER FIVE

MEASURES USED IN CURBING WILDLIFE POACHING IN KENYA

5.1 Introduction

The previous chapter discusses the role of wildlife poaching and trade in international terrorism while this chapter looks at the current measures employed by Kenya in curbing wildlife poaching and trade. Kenya has over the years employed various mechanisms in dealing with the scourge of wildlife poaching including law enforcement, stakeholders and community engagements and multilateral environmental agreements especially the CITES protocol.

5.2 Law Enforcement

What are the strategies employed, institutions established and measures put in place by Kenya in addressing wildlife poaching? Anti-poaching measures in the elephant and rhinoceros African range States are undertaken in many different ways. Some countries combine law enforcement agents, private ranches scouts, military personnel and conservancy rangers to fight wildlife poaching either by use of force or through change of behaviour and attitude. Wildlife rangers are the first line defence for wildlife against poachers, supported by other structures of law enforcement like intelligence, investigation, canine and horse units.²⁸⁶ It is important to deter poachers but more important is to arrest and prosecute the syndicate behind the financing of poaching and illegal trafficking of elephant ivory and rhinoceros's horn. For anti-poaching initiatives to be effective, law enforcement agents including the judiciary, local conservation NGOs, the community and international organizations must cooperate in the fight against poaching crime.

²⁸⁶Nir Kalron, 2013, 'Neo-conservation, A Commentary on the Future Security of Africa's Wildlife,' *African Security Review*.

In curbing rhinoceroses poaching which has increased tremendously in the last five years, South Africa has increased ranger and military patrols in the parks, reserves and wildlife habitats. For example, Kruger national park home to the highest number of rhinoceroses population has had anti-poaching budget increased which has led to constant increase in the number of poachers arrested annually in the last five years from 67 arrests in 2010 to 147 in 2014.²⁸⁷ The number of rhinoceroses poached in Kruger national park increased even at a higher rate despite the increase in the arrests reaching 827 in 2014 jumping about six times from 146 in 2010.²⁸⁸ This is an indication of low chances of detection, arrest and prosecution in South Africa according to one conservation expert.²⁸⁹ South African courts responded by granting stiffer sentences and penalties upon conviction of rhinoceroses poachers. For example, a poacher was convicted and sentenced to a jail term of 77 years in 2014 for an offence of killing three rhinoceroses in 2011.²⁹⁰

Kenya being rich in biodiversity is both a source and transit route for the illegal wildlife trade, which poses a major challenge to wildlife conservation. Since it came in to being in 1989, KWS has been enforcing laws and treaties to protect wildlife and has made a tremendous contribution in enhancing wildlife conservation. KWS has the mandate of protecting wildlife and its habitats.²⁹¹ These functions are particularly important as they lead to enhancement of wildlife conservation, protection and management. KWS also has the legal mandate to enforce wildlife laws and regulations which include fighting poaching.

²⁸⁷Save the Rhino, 'Poaching, the Statistics.' Available at URL: Retrieved 13/1/2016 from URL: http://www.savetherhino.org/rhino_info/poaching_statistics>Shetler, Jan Bender. 2007.

²⁸⁸Stop Rhino Poaching, 'Rhino Poaching and Population Statistics'

²⁸⁹Daniel Stiles, 2011, *Elephant Meat Trade in Central Africa, Summary Report*, Gland, Switzerland, International Union for Conservation of Nature,

²⁹⁰Torchia Christopher, 2014, 'South Africa Rhino Poacher Jailed for 77 Years,' *Independent* (United Kingdom), 23 July

²⁹¹Government of Kenya, *the Wildlife (Conservation and Management) Act* no. 16, (now repealed) Government Printer, Nairobi, 1989.

To prevent and combat wildlife crime, particularly poaching and trafficking of wildlife species and trophies, KWS established and strengthened specialized security Units that are deployed throughout the country. These are the Canine Unit for sniffing wildlife trophy and track wildlife offenders, the Horse Unit for patrolling difficult terrains like Mountains and the Prosecution Unit for prosecuting wildlife crime cases. Others include the Security Research and Analysis Unit for studying and monitoring emerging trends and advising appropriate measures of conservation and improving law enforcement, Wildlife Investigation Unit which deals with wildlife crime; the Intelligence Unit which has the mandate of information gathering to preempt wildlife crime and the Security Data Management Unit for information management.

Kenya is an important link to international destinations for illegal movement of wildlife and their trophies. Strengthening of these Units and improved collaboration with other law enforcement agencies like Kenya Revenue Authority (KRA), NPS and NIS in order to win wildlife crime war is an important avenue in fighting the crime. KWS also collaborates with the County governments, Local communities and Immigration department; Kenya Airports Authority (KPA), Private Ranches and conservation stakeholders to enhance wildlife conservation. At the regional level cross-border collaborations and linkages have been useful in dealing with environmental crime along the common borders. INTERPOL and the Lusaka Agreement Task Force (LATF) have been useful in dealing with crimes of international nature. Further, there is collaboration and cooperation with the judiciary all around the country. Cross-border linkages and cooperation has been enhanced with Tanzania, Ethiopia and Uganda to address crimes of transnational nature.

The Wildlife Conservation and Management Act, 2013 now has harsh sentences when a poacher is convicted.²⁹² The new wildlife law may be seen to discourage conviction of charged poachers with minor offences as the penalties are relatively high according to KWS. However, the new legislation has given the law enforcement agencies encouragement to prosecute the main trophy dealers in illegal wildlife poaching and trafficking.

In a study by Wildlife Direct a Kenyan wildlife NGO, of about 743 wildlife crimes committed between 2008 and 2013 in Kenya 4% received custodial sentences while in cases involving elephant or rhinoceroses poaching, 7% received jail sentences. Further, 91% of the fine sentences imposed on convicted elephant poachers were given less than Ksh 40,000 the maximum penalty prescribed by the repealed Wildlife conservation and Management CAP, 376 laws of Kenya. Of the 12 charges relating to firearms brought before court of law three cases ended in convictions for illegal possession.²⁹³ However, it is important to note that since the new wildlife law came in to effect in January, 2014 stiffer sentences and penalties have been imposed on wildlife crime perpetrators.

INTERPOL is assisting East African countries to address legal and law enforcement challenges and strengthens capacity to conduct investigations.²⁹⁴ In that regard, it established an office in Nairobi to combat illegal wildlife trade. Kenya in 2014 asked INTERPOL for assistance in the arrest of a fugitive poacher and trophy dealer Feisal Ali Mohammed who was wanted for trafficking large consignment of elephant ivory and whose warrant of arrest had been issued.²⁹⁵

²⁹²Government of Kenya, *The Wildlife Conservation and Management Act,* No. 47, Government Printers, Nairobi, 2013.

²⁹³Kahumbu Paula, et al. 2014 *Scoping Study on the Prosecution of Wildlife Related Crimes in Kenya Courts, January 2008 to June 2013*, Wildlifedirect.org,

²⁹⁴International Criminal Police Organization. 2014, 'Elephant Poaching and Ivory Trafficking in East Africa, Assessment for an Effective Law Enforcement Response.' Lyon: INTERPOL,

²⁹⁵Joseph Akwiri, *Interpol Joins Hunt for Kenyan Poaching Suspect.* Reuters. 16 October, 2014,

Feisal was arrested in Dar es salaam Tanzania on 22nd December, 2014 and extradited to Kenya and charged for possession and dealing in elephant ivory²⁹⁶ and sentenced to 7 years imprisonment or a fine of twenty million Kenya shillings, a sentence which was appealed against by the prosecution. Despite progress made in targeting prominent personalities involved in wildlife poaching and trophy trade in Kenya, there remains challenges to be surmounted especially in relation to governance issues.

The threat of possible arrest or even to life does not seem to deter poachers; Nir Kalron suggests that there may be need to involve the military in the anti-poaching operations in Africa.²⁹⁷ He reports that some African countries including Kenya have either deployed military in anti-poaching operations or trained wildlife officers in the use of military techniques and technology in anti-poaching efforts. They have established special Units and enhanced intelligence capabilities with modern equipment, aircrafts, satellite imagery, and used drones in some countries.

The strategy of using paramilitary anti-poaching techniques was adopted back in the 1980s and 1990s in DRC, Kenya and Zimbabwe and has proved successful for it drastically reduced poaching with elephant and rhinoceroses populations increasing significantly.²⁹⁸ The paramilitary anti-poaching operations are expensive to finance. In the 1990s Kenya raised finances from international financiers amounting to over USD 153 million to fund its

²⁹⁶Calvin Onsarigo, 'Interpol Arrests Poaching Kingpin in Tanzania,' *Star* (Kenya), 24 December, 2014

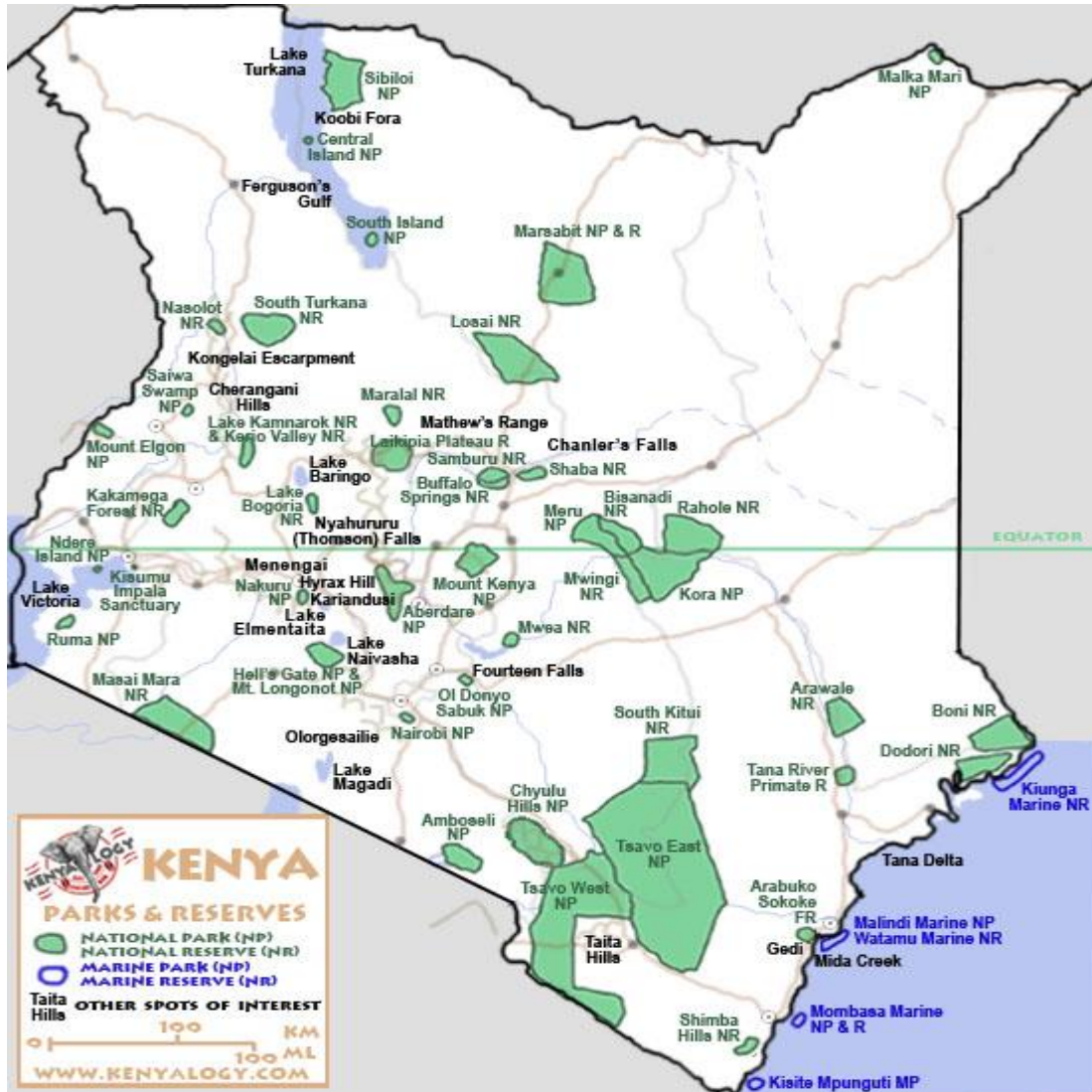
²⁹⁷Nir Kalron, 'Neo-conservation: A Commentary on the Future Security of Africa's Wildlife.' *African Security Review*, Vol. 22, No. 3. September 2013, pp. 160–66

²⁹⁸Elizabeth Lunstrum, "Green Militarization: Anti-poaching Efforts and the Spatial Contours of Kruger National Park," *Annals of the Association of American Geographers*, 2014, pp. 816–32

conservation efforts including the expensive law enforcement.²⁹⁹ The investment by Kenya in training and building the capacity of its wildlife law enforcement personnel is huge. The paramilitary training and other law enforcement courses are offered at Kenya Wildlife Service law enforcement Academy (KWSLEA) at Manyani in Tsavo West national park. Law enforcement personnel of partners in wildlife conservation like County governments, Private wildlife ranches, Sanctuaries and Kenya Airports Authority are also trained at Manyani. KWS law enforcement personnel have also received training and capacity building from law enforcement partners within and outside the country.

²⁹⁹Tom Milliken and Jo Shaw, “The South Africa–Viet Nam Rhino Horn Trade Nexus, a Deadly Combination of Institutional Lapses, Corrupt Wildlife Industry Professionals and Asian Crime Syndicates,” Johannesburg, TRAFFIC

Figure 5-National Parks and Reserves of Kenya



Source: www.kenyalogy.com

Figure 5 is a map of Kenya showing National parks, Marine parks, National reserves, Marine reserves and Wildlife sanctuaries and community lands where wildlife poaching occurs.

5.3 Stakeholder and Community Engagements

Across Africa poaching dynamics vary significantly. This is because of the diverse terrain, the rangeland locations, economics, and land ownership, and the extent government

controls the territory and the capacity of the local people to manage land has an influence on wildlife poaching. Community conservation efforts involving local communities in anti-poaching can aid law enforcement.³⁰⁰ There are many organizations involved in community conservation that train local groups to enhance their knowledge and skills of wildlife protection and prevent poaching. Conservation organizations, colleges, schools and local groups operate throughout African range States. While some organizations train and equip local people to serve as scouts in conservancies and ranches, others offer specialized training like use of global positioning systems (GPS), weapons handling and tracking knowledge. Community education and sensitization in the importance of environmental conservation and specially wildlife protection forms an important part of these local programmes like the one run by Space for Giants in Kenya, for example.³⁰¹

Other examples from across the continent include protected area management system (PAMS) foundation in Tanzania, Ruvuma elephant project and Niassa national reserve where communities' engagement initiatives are used in wildlife protection. Conservation scouts from the villages are trained in wildlife data collection, GPS use, community rights and anti-poaching techniques. Elephant data show constant increase in elephant numbers in Namibia and Kenya in the last 15 years because of the establishment of community managed conservancies among other reasons.³⁰² The community selects scouts who monitor and report poaching incidents and

³⁰⁰Roe Dilys, et al. "The Elephant in the Room: Sustainable Use in the Illegal Wildlife Trade Debate." Briefing. London: International Institute for Environment and Development

³⁰¹Mike Pflanz, "The Ivory Police." *Christian Science Monitor*, 2 March

³⁰²Elephant database. "Namibia, 2012 (2013 Africa Analysis),"

more importantly women are included in the decision making of the conservancies' matters as committee members.³⁰³

Britain hosted an international conference in London which discussed the illicit trade in wildlife and their products especially elephant ivory and rhinoceroses horn in 2014. The conference resolved that over and above enhanced law enforcement and reduced international demand, communities' engagement should be given priority in an effort to fight poaching and trophy trafficking.³⁰⁴ This is because, they observed that for poachers to reach the remote wildlife areas, they must transit through communities, seek their help when ferrying weapons, supplies and trophies. Cooperation of community leadership in fighting poaching and other wildlife crime is therefore critical if the war against poaching is to be won.

Kenya through KWS has specific security mechanisms to deal with poaching and wildlife crime in general. Law enforcement Units of KWS in collaboration with stakeholders like private ranches, community conservation groups and other law enforcement agencies draw up and implement area specific security strategies to address wildlife crime and in particular poaching of elephants and rhinoceroses.³⁰⁵ The mechanisms of joint regular security meetings of all stakeholders, joint law enforcement operations which cover the whole country and wildlife security reviews are used.

Again the Kenyan Wildlife Agency engages the communities to become partners in the enforcement of wildlife law. This is in realization that without incorporating local communities in the fight against wildlife crime, the Agency's efforts are an exercise in futility. Deliberate

³⁰³Overseas Development Institute, "*Sustainable Natural Resource Management in Namibia, Successful Community-based Wildlife Conservation*," London: ODI.

³⁰⁴United Kingdom, "London Conference on the Illegal Wildlife Trade 2014,"

³⁰⁵David Karanja, "*The Role of the Kenya Wildlife Service in Protecting Kenya's Wildlife*," *The George Wright Forum*, vol. 29, no. 1, 2012, pp. 74–80.

measures were therefore initiated to enhance cooperation and collaboration with not only local communities but regional and international wildlife law enforcement fraternity and other stakeholders with the aim of winning the fight against wildlife poaching.³⁰⁶ The initiatives have resulted in remarkable success in law enforcement and improvement in wildlife security and its habitats as well as visitor security within and adjacent to the wildlife protected areas. As a dividend of community collaboration a notorious poacher defected from poaching to a wildlife ranger in 2012³⁰⁷ in Kenya.

5.4 Multilateral Environmental Agreement - CITES

Kenya is a member of a multilateral agreement that regulates trade in wildlife species and its products known as Convention on international trade in endangered species of wild fauna and flora (CITES). As poaching progressively escalated since the onset of the 20th century, the need to curb it grew especially at the international level. A major multilateral agreement was accepted by 180 States in 1973 at Washington, D.C. of the CITES which came into force on 1st July, 1975. The mandate of CITES was “to ensure that international trade in specimens of wild animals and plants does not threaten their survival.”³⁰⁸ 35, 000 wild fauna and flora species were put under the three different categories of protection which the Convention called Appendices.

Placed under Appendix I were those species which were ‘threatened with extinction which are or may be affected by trade’. Appendix II and III include those species which are “not necessarily now threatened with extinction but may become so if their trade is not regulated” and

³⁰⁶ David Karanja, “*The Role of the Kenya Wildlife Service in Protecting Kenya’s Wildlife*”, pp. 74-80.

³⁰⁷ Jeffrey Gettleman, ‘Elephants Dying in Epic Frenzy as Ivory Fuels Wars and Profits,’ *The New York Times*, 3 September, 2012

³⁰⁸ CITES, URL:<https://cites.org/eng/disc/what.php>

species which may be traded using a system of permits respectively.³⁰⁹ The African elephant was placed in Appendix III in 1976 and moved to Appendices II and I in 1977 and 1989 when international trade in elephant ivory was banned respectively.³¹⁰ As the case is with all international legal instruments the State Parties have the obligation to adopt the principles in to their national legal system and curb illicit wildlife trade.

In 1989 CITES banned international trade in elephant ivory but allowed member States to apply for permission to sell elephant ivory from culling of wildlife especially those countries with growing elephant populations. The elephant ivory trade ban has been evaluated to have been a success for the African elephant population increased across the board and the illegal elephant ivory market almost disappeared.

The ban in international trade in elephant ivory has always been a controversial issue with countries divided between those for and against the ban. In 1999 and 2007 – 2008 CITES allowed one-off sales of national stocks to Japan and China for Botswana, Namibia, and Zimbabwe and later South Africa after their populations were down listed to Appendix II.³¹¹ Almost immediately elephant poaching picked-up and many concluded especially those pro-ban States that the CITES allowed sales has led to poaching for the legal trade has also facilitated the illicit poaching proceeds to join it. Every Conference of Parties meetings have been dominated by acrimonious debate of whether to allow trade in elephant ivory or not while more and more elephants kept on dying.

³⁰⁹The CITES Appendices, CITES, available at URL: <https://cites.org/eng/app/index.php>, retrieved on 17/12/2016.

³¹⁰“*Elephant ivory Trade –Related Timeline with Relevance to the United States, Humane Society International,*”

³¹¹Jason Bell-Leask, IFAW’s *J. Leask on the 20th Anniversary of the Ivory Trade Ban, International Fund for Animal Welfare*

The trade in rhinoceroses horn was banned in 1977³¹² and still CITES have been considering the possibility of allowing it in order to satisfy the ever increasing demand for the horn. The protection listing of the African rhinoceroses is varied and scattered all through the three categories with the Western black rhinoceroses becoming extinct in 2011³¹³ and white rhinoceroses in Appendix I (except for the South African and Swaziland populations which are in Appendix II).³¹⁴ The down listing of the South African population was made in 1994 while for Swaziland occurred in 2004 due to the argument made by South Africa that allowing trade in the rhinoceroses will help save it from extinction.³¹⁵

As much as many appreciate the critical role of the UN and her Agencies in terms of raising global awareness in fighting transnational crimes like poaching and trafficking, its effectiveness have been argued in various ways. CITES has power of banning trade in wildlife and their products but Orenstein argues that its actions has been inadequate to control poaching.³¹⁶ There are those who are convinced that within the limitations of multilateral agreements, CITES has performed its mandate well to the extent that State Parties have implemented COP resolutions and decisions through national law enforcements.³¹⁷ In situations of non compliance they argue the fault is of the State Parties and not the CITES agreement. On the other hand CITES has critics who argue that CITES is a “weak treaty, promoting trade rather than preventing it” like Michelle Pickover.³¹⁸ The concern against CITES is on ethical grounds

³¹²John Roach, 2013, “*Legal Horn Trade Could Save Rhinos from Cliff of Extinction, Experts Argue*”, NBC NEWS, 28th Feb. 2013

³¹³John Roach, “*Legal Horn Trade Could Save Rhinos From Cliff of Extinction*”

³¹⁴The CITES Appendices, CITES.

³¹⁵Bekezela Phakathi, “*SA to Keep Open Mind on Rhino Horn Trade*”

³¹⁶Ian Douglas-Hamilton OBE, Forward to Ronald Orenstein, “*Ivory, Horn and Blood: Behind the Elephant and Rhinoceroses Poaching Crisis*” 10, 2013.

³¹⁷United Nations Office on Drugs and Crime, “*Wildlife and Forest Crime Analytic Toolkit 15*”, 2012.

³¹⁸Juliana Rademeyer, “*Killing for Profit: Exporting the Illegal Rhino Horn Trade 109-11*”, 2013.

of whether it is in order to allow international trade let alone regulate it. It has even been branded “the animal dealer’s charter”.³¹⁹

The criminal aspect of poaching and international trafficking of wildlife is also covered by the United Nations Convention against Transnational Organized Crime (UNCATOC) also known as the Palermo Convention and the United Nations Conventions against Corruption (UNCAC) which deal with the criminalization, investigation and prosecution of wildlife crime linked to organized crime or corruption.³²⁰ These UN instruments are for prevention of criminality and ensure transparency and accountability among the many Agencies involved in wildlife protection like law enforcement, Customs and the Judiciary. Kenya is also a State party to other multilateral environmental agreements (MEAS) of wildlife conservation and management which include, LATF, Convention on biological diversity (CBD), Convention on migratory species (CMS), World heritage convention (WHC) and Ramsar convention (RC) on wetlands like the Rift Valley Lakes of Nakuru, Naivasha, Bogoria and Elementaita.

Implementation of these legal instruments have been far from satisfactory as shown by reports that indicate that corruption facilitate wildlife crime at different levels in the countries of origin, shipment and destination. In addition to corruption are other challenges especially resources which face States and regional agencies like LATF. To stop corruption has been and will be a significant challenge to almost all the African range States.

³¹⁹ Michelle Pickover, “*Animal Rights in South Africa 54*”, 2005.

³²⁰ United Nations Office on Drugs and Crime, “*Wildlife and Forest Crime Analytic Toolkit 15*”, 2012.

The next chapter summarizes, concludes and gives policy recommendations on how Kenya will efficiently and effectively manage and conserve its wildlife resource and especially the endangered rhinoceroses and elephants for the benefit of the current and future generations.

CHAPTER SIX

SUMMARY, CONCLUSION AND POLICY RECOMMENDATIONS

6.1 Introduction

The chapter being the last chapter of the study report summarizes, concludes and suggests policy recommendations on how Kenya will improve protection and conservation of its wildlife resource, particularly the endangered species of rhinoceroses and elephants for the benefit of the current and future generations. The preceding chapter discussed the current measures employed by Kenya in dealing with wildlife poaching menace.

6.2 Summary

The study had the general objective of establishing the factors influencing wildlife poaching of the endangered species of rhinoceroses and elephants. The first issue was to determine whether wildlife poaching funds international terrorism and particularly in Kenya between 2011 and 2015 when poaching of elephants and rhinoceroses escalated and simultaneously terrorism attacks increased.

It has been argued by security experts and authorities that the proceeds from elephant ivory and rhinoceros's horn were financing international terrorism activities in the East African region especially in Kenya. Second, the study sought to establish what the source of international terrorism funding is. Third, determine what the causes of wildlife poaching are in Kenya. The study further sought to establish Kenya's experience in combating wildlife poaching and trade.

In addition to the objectives, the study used research questions derived from the objectives with the hypotheses that wildlife poaching indeed fund international terrorism.

The institutional weaknesses have further favoured wildlife poaching in Kenya. The objectives and research questions were examined using theoretical framework discussed and the ideas put forward by scholars.

The previous four chapters discuss the funding of international terrorism, issues of wildlife poaching, the role of poaching in international terrorism and the mechanism used by Kenya in combating wildlife poaching. This chapter aims to consolidate the findings and provide comprehensive explanations and conclude the study and give policy recommendations. The findings of the four chapters are summarized below.

Chapter one dealt with the overriding study objective of the nexus of wildlife poaching and international terrorism and further contains the study proposal.

Chapter two which examined objective one discusses the source of International terrorism funding, evolution of terrorism resourcing, types of terrorism resourcing and terrorism resourcing in Kenya. Piracy, contraband goods like sugar, charcoal, drugs and other terrorist groups (Al Qaeda and ISIS), *Zaka* (Islamic tithing), business taxation, Diaspora remittance, wealthy individuals and States finance international terrorism.

Chapter three which relates to objective two is on the causes of the wildlife poaching of elephants and rhinoceroses and the challenges faced by Kenya. The study looked at causes of wildlife poaching, types of poaching, elephant ivory and rhinoceroses horn markets and seizures. The study established that availability of illicit market, high prices, proliferation of small arms, remote wildlife areas where poaching occurs, advanced technology that makes poaching and transfer of funds quickly, efficient transport system in Kenya's entry and exit points (Nairobi airport and Mombasa airport/sea port) and increased demand due to large Asian nationals (Chinese) living in Kenya and in the continent as the causes of wildlife poaching.

In conserving its wildlife resource Kenya is faced by myriad of challenges and the study found the following: elephants are migratory species which roam in unsecure places making monitoring a challenge, rapid human growth, diminishing wildlife habitat including dispersal and migratory routes with land being subdivided in to small parcels especially in urban areas, inadequate resources (especially human) to effectively/adequately patrol all wildlife areas, proliferation of small arms and light weapons in Kenya and the Eastern African region, entry into illicit trophy business by wealthy individuals with capacity to corrupt law enforcement and criminal justice system and impunity.

Chapter four looks at objective three. The study focussed on poaching financing International terrorism. It looked at the role played by wildlife poaching and trade in funding international terrorism. In the chapter the study established a link between wildlife poaching and international terrorism that escalated between 2011 and 2015 in that funds from wildlife poaching has been observed to finance international terrorism.

Chapter five which relate to objective four is about measures used by Kenya in dealing with wildlife poaching. It looked at law enforcement, stakeholders and community engagements and multilateral environmental agreements with special focus on CITES protocol. The study established improved operational capability through use of canine (sniffer/tracker) at entry/exit points and during patrols in the national parks/reserves, night patrols aided by night vision goggles, air patrols to support foot and vehicular patrols, interagency collaboration, strengthening special Units like intelligence, investigations and prosecutions, provision of modern equipment, increased political support especially in dealing with wealthy and influential poachers and dealers as the policy recommendations needed to be adopted by Kenya government.

The causes and challenges of wildlife poaching are not about to be overcome. To the contrary they are on the increase given the fact the wildlife demand remains high as a result of the ready market provided by the major economies of South East Asia especially China and Vietnam the main markets for elephant ivory and rhinoceroses horn respectively. Resource limitations of government Agencies and the lack of effective interagency collaboration is a major challenge to wildlife security especially the endangered species of elephants and rhinoceroses.

The enforcement limitation and further inadequate stakeholder and community engagements will enhance wildlife poaching and trafficking aided by the Kenyan culture of corruption and impunity. It is this wildlife conservation and management weaknesses that the poachers and traffickers have exploited to decimate elephants and rhinoceroses in Kenya and the continent at large. As to whether wildlife poaching has been a source of funding for international terrorism, the study has received some evidence to conclude as such but there is need for research to gather more information and conclusive data.

6.3 Conclusion

Conservation and management of wildlife resource in Kenya has faced challenges since colonial times. The abundant wildlife has been on constant decline especially the large mammals with elephants and rhinoceroses being the main victims as a result of poaching. The poached numbers of elephants and rhinoceroses were the highest between 2011 and 2015 after only recovering from the massive poaching of the 1980s. These five years have witnessed poaching of rhinoceroses and elephants increase threefold as shown by the databases of CITES and KWS. This unabated poaching of the endangered species raised serious concerns amongst conservation fraternity and the international community. The question this study endeavoured to seek an

answer to is, whether poaching of elephants and rhinoceroses have any relationship with international terrorism and specifically terror attacks in Kenya.

The study findings showed that there is some link between the two crimes in Kenya. Other findings included the fact that wildlife poaching occurs in remote wildlife areas where law enforcement is not there and hence, poaching becomes easy with no threats of law enforcement Agents' detection.

Terrorism organization cannot exist and execute their mission without resourcing. These terrorism organizations have myriad ways of raising finances and other resources including recruitment of personnel through extremism and radicalization. In Kenya the two terror groups, the Al Qaeda and Al Shabaab raised finances through *zaka* (Islamic form of tithing), Diaspora and wealthy individual contributions, Non-governmental organizations' contribution based in Kenya, in the Gulf and even in other parts of the world. Other sources include business taxation especially in the East African region controlled by Al Shabaab in Somalia and even States support like it is reported that Eritrea have been supporting Al Shabaab to fight the AMISOM forces in Somalia.

The causes of poaching are numerous but high priced market in the South East Asia created a high demand where it became worthwhile to take the poaching risk. Other major causes were observed to be proliferation of small arms and light weapon, insufficient law enforcement resourcing giving rise to few personnel and equipment. These personnel lack adequate training and are remunerated poorly making the law enforcement officers vulnerable to corruption.

Kenya has also employed various ways to deal with poaching of elephants and rhinoceroses and mainly used law enforcement, stakeholder and community engagements and use of the multilateral environmental agreements especially the CITES protocol. Law

enforcement has had challenges of resources but with collaboration through interagency mechanism some successes have been registered with wildlife poaching especially of elephants and rhinoceroses reducing drastically since 2014.

The study has established that financial proceeds from wildlife poaching have financed international terrorism in addition to other sources of funding. Kenya, therefore, must invest in the environmental sector especially wildlife protection and conservation if the tourism sector of the economy is to thrive and contribute to the national development.

6.4 Policy Recommendations

Poaching of elephants and rhinoceroses has been experienced in Africa for many decades. In the second decade of the 21st century the problem became unprecedented not only in Kenya but in many parts of the African range States raising lots of concern with governments and conservation fraternity. To ensure that poaching is minimized and its proceeds do not finance international terrorism the study recommends the following measures: minimize corruption and eradicate impunity in Kenya, investment in technology to improve capacity and capability of law enforcement Agencies, improve quality of patrols, enhance intelligence gathering/analysis, wildlife crime investigations and prosecution supported by laboratory DNA analysis, training to improve law enforcement and science/research led wildlife conservation and management.

The study further recommends increased collaboration among law enforcement Agencies, increased and sustained financial, technical and political support by the national government and recognition of wildlife sector as a key component of Kenya's economy and include wildlife

crime in the category of economic crimes. This will make involvement in wildlife crime an expensive business and act as deterrence.

Formulation and implementation of national land use policy that restrict sub-division of marginal land especially those within wildlife migratory and dispersal areas, lobbying for international ban on trade in endangered wildlife species (elephants and rhinoceroses) and their products during meetings of CITES conference of parties, enhanced political support in making illegal trade in wildlife and their products very expensive venture, use of mutual legal assistance mechanism in repatriating seized wildlife trophies and extradition of international smugglers and traffickers to face trial in range States where wildlife poaching occur.

The author recommends further study on the nexus of wildlife poaching and funding of international terrorism to ascertain the main source of terrorism resourcing in the Horn of Africa and in Kenya with the aim of advising government to cut the source (s) which will greatly weaken international terrorism in the long run. In establishing the funding source for international terrorism, ascertain whether poaching of the endangered species of elephants and rhinoceroses is included. Further, this will enrich the existing body of knowledge on wildlife poaching and funding of international terrorism and make further policy recommendations to eliminate wildlife poaching and international terrorism nexus.

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APPENDIX 1

List of interviewees

S/No	Name	Designation	Date interviewed
001	Abdi D. Iya	Senior Assistant Director (KWS)	28/4/2016
002	Karanja M. David	Senior Warden Security Research (KWS)	28/4/2016
003	John M. Ringera	Senior Assistant Director (LATF)	29/4/2016
004	John Akoth	Senior Assistant Director (LATF)	30/4/2016
005	Jillo T. Arrero	Senior Warden (KWS)	1/5/2016
006	Mbogo Wachira	National Counter Terrorism – Kenya	27/4/2016
007	John Njogu	Intelligence Analyst (KWS)	18/4/2016
008	Luka Narisha	Senior Warden Intelligence (KWS)	5/5/2016
009	Leonard Boiyo	Senior Assistant Director (NIS)	3/5/2016
010	Elijah Chege	Joint Counter Terrorism (NIS)	26/4/2016
011	Hillary K. Mutai	Chief Inspector (NPS)	26/4/2016
012	Elijah Abuga	Investigation Officer (KWS)	30/4/2016

APPENDIX 2

INTRODUCTORY LETTER

To whom it may concern

I am a Master of Arts student at the University of Nairobi, College of Humanities and Social Sciences, Institute of Diplomacy and International Studies. As a degree requirement, I am undertaking a research project on “Poaching and the Funding for International Terrorism: a Case study of Kenya.”

I have chosen you to participate in the study. I would be grateful if you could spare some time and answer the attached sample interview questions as honestly as possible. The information given shall be treated with utmost confidentiality and will be used only for the study purposes.

Any additional information you might consider relevant to the study will be highly appreciated.

Thanks in advance,

Yours sincerely,

Elema Wario Saru
Reg. No R50/82641/2015
Student

Prof Peter Kagwanja
Supervisor

APPENDIX 3

Sample interview questions

Conservation and management of wildlife resource in Kenya has had challenges since colonial times. The abundant wildlife species has been on constant decline especially elephants and rhinoceroses as a result of poaching. Poaching of elephants and rhinoceroses were the highest between 2011 and 2015 after barely recovering from the massive poaching of the late 1980s. Around the same time terrorist attacks in Kenya also increased significantly and security experts suspect that poaching may have become a source of funding for the International Terrorism especially in Kenya. The question therefore, is wildlife poaching of rhinoceroses and elephants funding terrorism in Kenya? The study aims to establish whether proceeds from poaching of rhinoceroses and elephants have been a source of funding for terrorism among other sources in Kenya. Please explain your answer and possibly give reasons why you think so.

The questions are:

1. Did sales from elephant ivory and rhinoceros's horn end up funding terrorist attacks and activities in Kenya between 2011 and 2015 when both crimes escalated in the country?
2. Where does Terrorism raise funds from for their operations in Kenya?
3. What causes poaching of elephants and rhinoceroses in Kenya?
4. What are the current measures employed by Kenya in dealing with poaching of elephants and rhinoceroses?
5. What are the challenges facing the country in protecting the endangered species of elephants and rhinoceroses?
6. What are the possible solution(s) to poaching of elephants and rhinoceroses in Kenya?