

**A Critical Analysis of the Relationship Between the State and
Wildlife Crime.
Case: Rhino Poaching in South Africa**

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Declaration

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Abstract

South Africa is undoubtedly one of the most vulnerable countries in the world when it comes to wildlife crime. Regardless of the increased focus on combating wildlife crime and curbing demand, poaching numbers continue to rise in South Africa. In order to understand why this crime is so difficult to tackle, there is a need not only to examine the sophisticated methods of wildlife crime groups but also the environment in which this practice breeds. Reviewing the literature on transnational organised crime reveals significant factors about what kinds of climates are specifically favourable for the operations of criminal syndicates. The study then will explore which of these elements can be identified in South Africa and whether this can provide more insight into the challenges that South Africa is facing regarding the poaching crisis. The study argues that internal factors such as weak institutions, unemployment and poverty, among other things, are the driving factors behind sustaining wildlife crime in South Africa, but acknowledges that several external challenges impede anti-poaching efforts and successes. This study analyses what enables wildlife crime to operate in South Africa using International Relations and Transnational Organised Crime theory as the theoretical foundation. The field is not very well explored within traditional IR theory. Hence, this study attempts to demonstrate the relevance of wildlife crime to IR as it is transnational by nature and poses challenges to the international system as a whole. It further argues that IR scholars should embrace and acknowledge phenomena such as wildlife crime, the increased significance of criminal networks and their impact on nature, people, states and power structures.

Opsomming

Suid-Afrika is ongetwyfeld een van die mees kwesbare lande in die wêreld met betrekking tot natuurlewe-misdaad. Ten spyte van die groeiende fokus tot die bevegting van natuurlewe-misdaad en die beteueling van aanvraag, styg stropery in Suid-Afrika nogsteeds. Om te verstaan waarom hierdie misdaad so moeilik is om aan te pak, is daar 'n behoefte om nie net die gesofistikeerde metodes van natuurlewe-misdaadgroepe nie, maar ook die omstandighede waarin hierdie praktyke beoefen word, te ondersoek. Hersiening van die literatuur oor transnasionale organiseerde misdaad openbaar gewigtige faktore oor watter soort klimaat spesifiek gunstig is vir die operasies van 'n misdaad-sindikaat. Vervolgens sal die studie ondersoek watter van hierdie elemente geïdentifiseer kan word in Suid-Afrika en of dit meer insig oor die uitdagings oor die stropery-krisis in Suid-Afrika, kan verskaf. Die studie argumenteer dat interne faktore soos swak instansies, werkloosheid en armoede, onder andere, die dryfkrag agter die volhouding van stropery in Suid-Afrika is, maar gee erkenning dat verskeie eksterne uitdagings die bekanting van anti-stropery insette en suksesse belemmer. Die studie analiseer wat stropery in staat stel om werkzaam te wees in Suid-Afrika deur gebruik te maak van Internasionale Verhoudings (IV) en die Transnasionale Georganiseerde Misdaad-teorie as 'n teoretiese fondasie. Die veld is nie baie goed nagevors binne die tradisionele IV-teorieë nie. Daarom probeer hierdie studie die toepaslikheid van natuurlewe-misdaad tot IV demonstreer, omdat dit transnasionaal van aard is en dit uitdagings tot die internasionale sisteem as 'n geheel veroorsaak. Verder redeneer die studie dat IV-geleerders verskynsels soos stropery, die vermeerdering van die belang van kriminele netwerke en hulle impak op natuur, mense, landsgrense en magstrukture, moet erken en aanvaar.

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List of acronyms and abbreviations

APEC	Asia-Pacific Economic Cooperation
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DA	Democratic Alliance
DEA	Department of Environmental Affairs
DRC	Democratic Republic of Congo
EAI	Enterprise for the Americas Initiative
EC	Environmental Crime
ECI	Environmental Crime Investigation Unit
GLTP	Great Limpopo Transfrontier Park
ICCWC	International Consortium on Combating Wildlife Crime
INCAF	International Network on Conflict and Fragility
INTERPOL	International Criminal Police Organisation
IP	International Politics
IR	International Relations
ISS	Institute for Security Studies
IUCN	International Union for Conservation of Nature
IWT	Illegal Wildlife Trade
KNP	Kruger National Park
MNCs	Multinational Corporations
NGO	Non-governmental organisation
ODS	Ozone-depleting substances
OECD	Organisation for Economic Co-operation and Development
Renamo	The Mozambican National Resistance
SA	South Africa
SADF	South African Defence Force
SANDF	South African National Defence Force
SANParks	South African National Parks
SAPS	South African Police Service
TFCA	Transfrontier Conservation Area
TCO	Transnational Criminal Organisation
TI	Transparency International

TNCs	Transnational Corporations
TOC	Transnational Organised Crime
TRAFFIC	The Wildlife Trade Monitoring Network
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNITA	The National Union for the Total Independence of Angola
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organised Crime
VNSA	Violent non-state actor
WB	World Bank
WC	Wildlife Crime
WCO	World Customs Organisation
WHO	World Health Organisation
WTO	World Trade Organisation
WWF	World Wildlife Fund for Nature
ZANU	Zimbabwe African National Union
ZAPU	Zimbabwe African People's Union

For practical reasons the following abbreviations are used in relation to references:

Para	Paragraph
n.d.	no date

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Figure 1: Global Corruption Barometer for 2010/11

Figure 2 : Recorded number of rhinos poached in South Africa

Figure 3: Number of rhino poaching arrests in South Africa

Chapter 1

1 Introduction

Conservationists have been struggling to overcome threats to wildlife for years. Why is it that despite efforts and an intensified focus on protecting wildlife that the number of rhinos being poached has increased dramatically in recent years? Not only is an entire species in danger, but the nature and methods of wildlife crime have also become highly sophisticated, which has deep consequences for governmental management and security. This is a highly political matter, both domestically and globally. A competing global black market economy will naturally have an impact on licit trade and power structures. The features of transnational organised crime (TOC) are many, and environmental crime can easily be incorporated into TOC. Illegal trade in wildlife goes under the umbrella of environmental crime and is acknowledged to be a growing concern and a 'new face' of TOC. Wildlife crime must however be recognised as only an aspect of TOC with its own unique characteristics. This chapter will discuss the background, relevance, focus and methodology of the study.

1.1. Background to the research study

The possible extinction of the rhinoceros has unfortunately once again become a realistic concern. In 2014 1,215 rhinos were hunted for their horns in South Africa alone. In comparison, 1,004 rhinos were poached in South Africa in 2013 and 668 in 2012. The Kruger National Park is by far the area worst affected, making it the centre of the poaching crisis. If rhino killings continue at this rate, we will see rhino deaths overtaking births and ultimately this will lead to an overall population decline and extinction in the near future (South African Department of Environmental Affairs 2013)

There is no noteworthy market for rhino horn or for ivory in South Africa, which means that a tremendous amount of illegal goods are smuggled out every year, most of which ends up in East Asia. The high demand in these 'end-user' countries is highly driven by superstition and the belief in the horn's ability to cure various kinds of ailments and illnesses, ranging from hangovers to cancer. The horn itself consists mostly of keratin, which can also be found in human fingernails. With a market value higher than gold, rhino horn has indeed become a lucrative business. The price per kilogram is estimated to be between \$65,000 and \$100,000 (Fong 2013). The trade in illegal wildlife is said to be just behind the drug

trade in profitability (South & Wyatt 2011:540). The advancement in methods and equipment now utilised (in what can be called ‘operations’) points to involvement by powerful forces and criminal syndicates both domestically, within the borders of the supply country, and internationally (Poaching Wars 2013).

In 1977 the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) decided to move all rhino species up to Appendix I, among the most endangered animals and plants, threatened with extinction.¹ Although this implied a ban in international trade in rhino products, the number of black rhinos in Africa has declined from 50,000 in the late 1970s to fewer than 5,000 and resulted in a growing black market as there was no change in demand (Sharife, 2013). Other renowned and influential international actors, such as the World Wide Fund for Nature (WWF) and the International Criminal Police Organisation (INTERPOL), the United Nations Office on Drugs and Crime (UNODC), to name a few, are also working hard to assist and raise awareness as well as pushing for international legislation and signing of agreements by governments to combat rhino poaching.

In July 2013 the South African Environmental Affairs Minister, Edna Molewa, announced that the country would support “the establishment of a well regulated international trade in rhino horn and seek permission for a one-off sale of stockpiles worth around \$1 billion” (Save The Rhino 2013a). This idea to flood the market is expected to be proposed at the next CITES meeting, which will take place in 2016. This will be the third time that South Africa has called for opening of trade. The highly contested proposal indicates a desperate search for a solution as South Africa is losing rhinos rapidly.

“The illegal wildlife trade is perhaps the last form of global organised crime to be addressed seriously by national and international authorities, and instead has been treated mostly as a specialist niche within conservation work” (TRAFFIC 2014:4). However, wide representation from governments around the world at the high-level London Conference on Illegal Wildlife Trade (IWT) (2014) did in fact demonstrate the political will to find solutions. In addition, the United Nations Security Council acknowledged the link between wildlife trafficking and country instability in the Democratic Republic of

¹ Appendices I, II and III to the Convention are lists of species afforded different levels or types of protection from over-exploitation, with I being the highest level. [is this right?]

Congo (DRC), targeting wildlife traffickers for sanctions (TRAFFIC, 2014). This indicates a step in the right direction towards recognising the far-reaching implications of wildlife crime.

Transnational organised crime is continuing to expand and there is reason to believe that wildlife trade follows the same patterns and uses the same facilities as existing illegal activities, such as drugs and arms trading routes. TOCs are not as frequently reported on as conventional crimes, as they often play out with no direct victim and attempt to keep below the radar as far as possible. Since TOC depends on markets when dealing with illegal contraband and services, however, they must be somewhat open to customers. For this to be possible, there is often a high level of corruption and tolerance from authorities involved. Thus, even in circumstances where people are clearly victimised, the will to report may be hampered by distrust of police and law enforcement (UNODC 2010a). TOC is increasingly seen as a threat to national security as well as undermining the nation-state and it has benefited greatly from the technological developments, economic liberalisation and freedom of movement associated with globalisation (Shelley 1995; Berdal & Serrano 2002). Consequently, illegal wildlife trade is also gradually described more regularly in terms of national security, instability and transnational organised crime. Commitments and statements made in international forums are crucial, as wildlife crime clearly is a global issue. Nevertheless, each state is responsible for implementing legislation and limiting fruitful grounds for organised crime. National commitments and tailored solutions are necessary to address the issue in each specific state (Zimmerman 2003).

1.2 Preliminary review

This study will be informed by three broad fields of literature. However, specific attention will be given to particular sub-categories most relevant to answer the research question. The following overview of the literature serves as an introduction to some of the main works the study refers to. Nevertheless, the study will naturally not be limited to these, but also make use of a broader collection of literature.

1.2.1 Relevant International Relations literature

The first section will start off with a conceptualisation of the key concepts in traditional International Relations (IR) theory. Since wildlife crime is transnational by nature and impossible to solve as a domestic problem by one state alone, there is need to examine different views on the state's role,

responsibility and ability concerning survival, security, border control, law enforcement, protection of citizens etc. Moreover, cooperation and interdependence, sovereignty, and collective responsibility and action will be discussed. A review of these essential concepts in IR will be informed by the work of Mingst and Arreguín-Toft (2010), Lebow (2010) and Thomson (1995), among others. The focus is specifically narrowed down to views within the frameworks of realism, liberalism and constructivism, referring to works by renowned scholars such as Waltz (1979), Morgenthau (1948), Nye and Keohane (1971) and Wendt (1992).

A presentation of IR literature related to transnational organised crime (TOC) will then follow, with help from Pankratz and Matiasek (2012), and lastly the section will point to limitations in traditional IR theories in terms of recognising non-state, uncivil actors. Scholars such as Zabyelina (2009) and Tickner (1995) will offer insights into the challenges and restraints concerning the core assumptions of IR theory if one intends to explain TOC. The lack of sufficient theories capable of acknowledging TOC as a major threat to the world system is confirmed by Strange (1996), while Kaldor (2012) identifies new threats to national security which differ from 'old war' threats. Shaw (1994) argues that crime is difficult to grasp in IR through an old-fashioned military view and further suggests that a broadening of the theory and an inclusion of environmental, social and economic variables as well as the existing military dimensions makes it easier to establish that TOC is a challenge to the functioning of society as a whole. Moreover, the fact that domestic problems increasingly shift into the sphere of global politics and discussions on state's level of sovereignty is confirmed in Williams (2002), Willetts (2011) and Edwards and Gill (2002). These scholars also provide insight into the increasing challenge of controlling territorial borders, including dealing with domestic and transnational criminal activity. Shelley (1995) will be reviewed with a specific focus on how transnational organised crime undermines the concept of the nation-states if coordinated international policies and responses are not properly in place.

1.2.2 Literature on transnational organised crime

The second part of the literature review will focus on conceptualising transnational organised crime and the environments in which it thrives, highlighting its role as a non-state actor. The section will also clarify the differences between various transnational organised criminal groups and their behaviour and motivations, introducing the concept of environmental crime, which is the core of the research problem. In order to define TOC, the study will be largely be informed by Williams (2008) and the work of relevant institutions such as UNODC and TRAFFIC. The declining role of the nation-state as a

consequence of globalisation has further facilitated the expansion of TOC. Globalisation has unarguably had a profound impact on cross-border activity, both legal and illegal, which is strongly stimulated by this development. The incredible resilience of criminal networks following this is discussed in Heine and Thakur (2011), Ayling (2012) and Albanese *et al.* (2003).

Much of this section will be based on the works of Williams (1997, 2005, 2008), who depicts TOC as a security threat, and explains the characteristics of a state in transition and why it is particularly vulnerable to organised crime. Works by Standing (2006), du Bois (1997) and Shaw (2012) specifically dealing with the transition years in South Africa and how this period created fertile breeding ground for organised crime will then be used. 'The evolution of organised crime in Africa' by Shaw and Reitano (2013) will also be consulted. As weak or fragile states are said to be particularly vulnerable to organised crime, definitions and interpretations of such states will then follow, referring to the works of Miraglia, Ochoa and Briscoe (2012), Peluso (1993), Bøås and Jennings (2005) and Kaldor (2012), who write extensively on the topic. Lastly, Shover and Routhe (2005), Elliott (2012) and UNODC (2015) offer an introduction to and definition of environmental crime and assist this study in demonstrating how wildlife crime is placed within this framework.

1.2.3 Literature on wildlife crime and South Africa

The third part of literature will place specific emphasis on South Africa's vulnerability to wildlife crime, particularly focusing on rhino poaching. It will contain statistics, an evaluation of the wildlife crime issue in general and the poaching crisis in South Africa. International environmental agreements and commitments as well as domestic responses will be reviewed. Extensive reports, such as a TRAFFIC report by Milliken and Shaw (2012) 'The South Africa – Viet Nam Rhino Horn Trade Nexus', will be the starting point of this section. Additionally, this section will draw attention to more theoretical works from South and Wyatt (2011) comparing wildlife trade to the drug trade, while Warchol (2004) demonstrates that wildlife crime entails severe exploitation of resources and it also funds conflicts. Eliason (2008) theorises about motivations for poaching and the challenges of punishment when poaching is given the status of a folk crime. A study conducted by Dalberg Global Development Advisors (2012) on illicit wildlife trafficking establishes the factors contributing to the continued rise in poaching incidents, while Warchol, Zupan and Clack (2003) give an analysis of the illegal wildlife market in Southern Africa.

For a deeper understanding of the history of illicit wildlife trade in South Africa, Ellis (1994) and du Bois (1997) will be consulted, while Jones (2006) emphasises the changes in wildlife conservation in Africa. Works such as Julian Rademeyer's 'Killing for Profit' will also be consulted as they provide meaningful insight to the current crisis in South Africa and will be used to support some of the arguments put forward here.

Peluso (1993) provides an interesting piece on the politics of state resource control and the premises behind international environmental agreements, where the assumption is that nation-states have the capacity and internal legitimacy to control resources within their territorial boundaries. To further examine the efficiency of international environmental agreements, an earlier study by Glennon (1990) on the ivory trade in fact flourishing under CITES will provide some background. The challenges associated with global environmental governance are also described in Duffy (2006), who focuses on transfrontier conservation areas (TFCA) in South Africa. Updated numbers, statistics and status of agreements will be informed by TRAFFIC, IUCN, UNODC, CITES and South African Department of Environmental Affairs (DEA).

1.3 Problem statement and focus

South Africa is undoubtedly one of the most vulnerable countries when it comes to wildlife crime. Regardless of the increased focus on combating wildlife crime and curbing demand, poaching numbers continue to rise in South Africa. In order to understand why this crime is so difficult to tackle, there is a need not only to examine the sophisticated methods of TOC groups, but also the environment in which it breeds. By reviewing the literature on TOC, significant factors emerge about what kind of political, social and cultural climates are specifically favourable to criminal syndicates. Based on this, the study will explore which of these elements can be identified in South Africa and whether this can provide more insight into the challenges that South Africa faces regarding the poaching crisis.

The aim of this study is to examine whether certain elements or 'weaknesses' present in the South African state contribute towards its vulnerability to TOC threats and expansion, hereunder wildlife crime. Moreover the study will look into which fundamental values and structures are exploited by the illegal wildlife trade (IWT), and which are further specifically harmed by the presence and infiltration of wildlife crime. Hence, there will be an analysis of the relationship between the state and wildlife crime.

To examine the cause and effects of wildlife crime, the case of rhino poaching in South Africa has been selected. 2015 is set to be a record year for rhino poaching and the Kruger National Park is again suffering the most. The case study is expected to be a clear and narrow example, which also requires a brief analysis of the history and political climate in South Africa. By applying TOC theory to the case, the study seeks to demonstrate that wildlife crime is a serious transnational crime concern. Hopefully, the case study can also contribute towards generating new insights which will improve and advance the literature further. Furthermore, the study will investigate the prevailing national and international laws and agreements on wildlife crime and specifically rhino poaching, and review the results of these agreements as well as compliance with them by the legislative and law enforcement bodies.

The ways in which the international system is ordered, as well as the political environment and global technological developments, determine the opportunities for TOC to expand. Moreover, the level of TOC will disturb existing systems and define the organisation of the international community in the future (Edwards & Gill 2003). Thus, this study will argue that IR scholars should embrace and acknowledge phenomena such as climate change, global warming and the increased significance of criminal networks and their impact on nature, people, states and power structures.

1.4 Research question

The main research question that will drive this study is:

- 1) *What elements in the South African state contribute towards creating an environment in which wildlife crime thrives?*

To help explore the dimensions of the main research question, two sub-questions have been formulated. The first sub-question seeks to ascertain which measures and strategies have been laid out to counter the poaching crisis, including both international and domestic responses and cooperation. The study will here also attempt to explore whether there is satisfactory consensus among the relevant countries, and whether their ways of addressing the issue is coordinated or in fact hamper each other's initiatives. The study will examine previous commitments to curb IWT, and whether such initiatives have been effective. The second question seeks to investigate how IR theory is relevant in such global issues and how international

structures can in fact explain a state's behaviour and choice of responses. Moreover, the question is meant to open a discussion on how wildlife crime and TOC in general should be considered further in international relations, specifically focusing on the threat they present to the notion of sovereignty, security and the state as we know it.

Sub-questions:

- 2) *How effective have international and domestic responses been to tackle wildlife crime and what makes the issue so challenging to combat?*
- 3) *How does IR theory relate to TOC, and how can wildlife crime be studied through IR theory lenses?*

1.5 Research design and methodology

This desk-top research will be qualitative in nature, which means it will rely mostly on in-depth examination and interpretations of primary and secondary sources to describe and explain relationships between the variables (Neuman 2011:42). As the study seeks to understand which elements of the state influence the level of wildlife crime (as an example of TOC), it will adopt an inductive approach, where the theoretical understanding will arise from the empirical evidence (Neuman 2011:70). To support this, the research questions are open-ended, as the study does not seek to confirm or reject a specific hypothesis. Thus, the study falls into the exploratory and descriptive category. The study seeks to examine and describe, but will not venture into the explanatory "why", as we are at this stage yet to establish the relationship between the variables. This may lead us to a hypothesis and recommendations for further studies. These qualitative methods often allow a more holistic approach than quantitative studies do, and they will benefit this particular study as it seeks to take several factors into account (Neuman 2011:40).

A case study is commonly used in qualitative investigations. While the focus is detailed, it usually tells a larger story. Having chosen to do a case study, one must avoid generalising more broadly than the actual case allows. Caution is necessary when it comes to making assumptions and conclusions about wildlife crime and TOC in general, where in fact this study can only account for wildlife crime related to the specific case. A case study is often chosen because of its ability to capture complexity, to take processes (time and space) into consideration, and to allow for multiple perspectives (Neuman 2011:42). This single-case study will analyse wildlife crime as a part of TOC and discover to what extent general theory

actually reflects this particular case. In the case that many parallels can be drawn, this will strengthen the theory and this is indeed why case studies are useful. The choice to do a case study was specifically because every case is unique, must be studied exclusively, and cannot be manipulated to conform into a grand theory. By trying to make a phenomenon fit into a predetermined box, one usually has to disregard important variables. Rhino poaching in South Africa was chosen because of its relevance at the time writing, considering the ongoing international and national debates on how to counteract it and avoid the threat of extinction. Studying transnational crime is of interest because it continues to develop and expand, and there is no sign yet of a decline or of efficient ways to combat it. South Africa is an interesting case because of the geographical location of, for instance, the Kruger National Park, which presents an extra dimension considering the different kinds of legislation in the bordering countries. South Africa's own political history adds to the complexity of the issue.

As TOC is a very broad area to study, the focus has been narrowed down to wildlife crime, which is yet to be explored to the same extent as, for instance, the drug trade and other better known crimes. This also makes it easier to review South Africa's responses and the effectiveness of measures to tackle wildlife crime and not all efforts to combat TOC in general. The hardest hit is without question the rhino and the case will therefore mainly gather data on this species, although statistics and data on other species will also be used.

1.6 Limitations and delimitation of the study

The fact that this study is based on previous research and other people's data may pose challenges. For instance, there is great variation in reported populations and poaching numbers in different documents and articles. This is because of the challenges in monitoring animals. There is an issue of compliance and not being consistent in the use of sources when all facts cannot be found on the same site. Moreover, the numbers themselves can indeed also be interpreted in different ways. When little transparency and corruption on all levels has facilitated wildlife crime, one must also keep in mind that the information obtained may be flawed. To overcome these issues, the study will clearly state the terms, definitions and measurement methods of the sources from which the numbers are collected and remain consistent in the use of sources when comparing numbers. In addition, one must be aware of the risks because of the issue being highly political and sensitive, and remain mindful that the aim of the thesis is not to place blame. The tone of this study will therefore avoid being strongly critical; it must be emphasised that the case study is merely an example and that the identified elements in the state are not unique to South Africa.

While wildlife crime is a transnational phenomenon, one must acknowledge that uncovering some of the key elements that contribute to the expansion of TOC can only reflect the impact of those particular variables. Hence, one must be watchful of generalising too broadly and drawing over-confident conclusions, since not all aspects of the spread of TOC can possibly be reflected in such a study. The length of the study does not allow for extensive research, which could open up the possibility of taking more variables into account. This also limits the holistic approach.

Because this is a highly current topic, one must also take into account that new literature and facts will be published every day. This study will accordingly be limited by time to only take into consideration information relevant up to October 2015. It is possible that, for example, agreements and policies would have changed by the time this dissertation is read. Furthermore, while a significant part of the study will revolve around TOC and wildlife crime in general, the case study is restricted only to making assumptions about South Africa and rhino poaching. Nevertheless, the study may suggest that outcomes and findings may be relevant to a broader framework and similar cases.

1.7 Outline of the study

The next chapter (Chapter Two) will start off by introducing three specific mainstream International Relations (IR) theories – realism, liberalism and constructivism – with specific emphasis on the focus areas and concepts within each of the three theories that are relevant to this study. The state and its role will then be conceptualised with these IR theories as a starting point. The chapter will then move onto considering the significance of non-state actors and how the three theories mentioned acknowledge, view and address them. The last part will concentrate on conceptualising transnational organised crime and introducing the notion of wildlife crime.

Chapter Three will work on contextualising wildlife crime and the case of rhino poaching specifically. Previous studies will be highlighted, with special emphasis on organised crime in South Africa. The historical background of South Africa with regards to wildlife trade and organised crime will lay the foundation. A section on the nature of rhino poaching, with special emphasis on the Kruger National Park, and the specific challenges regarding the park's geographical location will then follow.

Chapter Four will focus on South African and international responses to wildlife crime. It will further discuss the conflicting approaches put forward, such as legalisation on the rhino horn trade and trophy hunting. There will then be a section discussing the resilience of the rhino horn networks. Lastly, the chapter will consider the illegal wildlife trade and responses to it in the light of IR theory. It will again attempt to show how wildlife crime is a continuous current issue and argue why it is relevant for IR theory.

Chapter Five will finally address the research questions by making sense of the findings, organising them, summarising and lastly drawing a conclusion from them.

1.8 Conclusion

Rhino poaching and wildlife crime are a growing problem that has to date been extremely adaptable and hard to tackle. This chapter has given a brief presentation on the current situation in terms of rhino poaching and introduced the theoretical concepts that the study will investigate. It has attempted to explain the area of research and why it is relevant. Lastly, it has presented the methods that will be applied as well as outlined the main focal points of the upcoming chapters.

Chapter 2

2 The state in International Relations theory and transnational organised crime

In order to analyse the relationship between the South African state and wildlife crime-fighting this chapter will provide a conceptualisation of the state and transnational organised crime. The state and its responsibilities will be viewed through the lenses of three traditional International Relations theories: realism, liberalism and constructivism. The IR theories should further demonstrate the relevance of wildlife crime in transnational relations and vice versa. The second part focuses on the broader theory of wildlife criminality, namely transnational organised crime and its features. The chapter will then highlight several factors that are essential to the flourishing of organised crime and how these are linked to features of the state.

2.1 The state

There are a couple of general criteria that are commonly used to qualify a state as a state. First of all, a state must have a territorial base, meaning a geographically delineated area and a stable population that lives within its borders. A government should be in place to which this population adheres and, lastly, the state must be acknowledged and recognised as a state by other states (Mingst & Arreguín-Toft 2014).

2.1.1 Diverse views on the state

There are various views in International Relations (IR) theory on the role of the state, its behaviour, responsibility and interests. This section will discuss the state-centric view and distinctive approaches to understanding the international system, highlighting different focus areas within three of the most significant IR theories specifically relevant to this study.

There are several challenges linked to the state-centric approach. Firstly, the word in itself has different connotations for different people. For instance, civil society is quite commonly understood to be a part of the state in IR, while for others such as sociologists and philosophers civil society is studied separately

from the state. The view of the state as one entity in the international system restricts the units of analysis and makes it difficult to take transnational actors into consideration. Moreover, it assumes that all states are similar, which they are not (Willetts 2011). Such misconceptions can be avoided to some extent, if the characteristics of the state are clearly identified to refer only to the government rather than the country. This allows for examination of both inter-governmental and inter-society relations, i.e. transnational actors (Williams 1997). Referring back to the research question, there is a need to establish how we view the state and what we expect it to be. The theories mentioned above provide a good starting point when tackling themes such as sovereignty, international cooperation, threats and security, which are relevant areas to address when dealing with the topic of transnational actors.

2.1.2 Realism, survival and order

Realists hold that the sovereign state is the principle actor in international politics (IP) and priority issues revolve around core elements such as statism, survival and self-help. Realists are also preoccupied with the international system being anarchical. Thus, a state's autonomy is protected under this system and it acts as a unitary actor on the basis of its national interests. These interests are mostly rooted in power-related goals (Mingst & Arreguín-Toft 2014; Dunn & Schmidt 2011). Anarchy is precisely the reason why realists also focus on drawing a sharp line between domestic and international politics. The anarchical system also creates additional uncertainty, meaning security cannot be taken for granted. The world is viewed through classical realism as a self-help system where all states are competitive and suspicious, looking to take advantage of one another, and that ultimately all politics, whether it be international or domestic, entails a struggle for power (Morgenthau 1948). Self-help relates to a state's responsibility to maintaining order and security intact, acknowledging that states are solely responsible for ensuring their own wellbeing. No other actor can be trusted to provide safety for another. Well-known is Waltz's (1979:103-4) outlook on the state's responsibility for ensuring survival and security, claiming that this is reliant on material capabilities and alliances with other states. The concept of statism refers to the state performing as a legitimate representative of the collective will of the people. This sovereignty implies that the state has supreme authority to make and enforce laws and use force. A common point of reference here is Max Weber, who defined the state as entailing "the monopoly of the legitimate use of physical force within a given territory" (Smith 1986:23). Maintaining order is strongly determined by the government's capability to defend its borders, enforce laws and protect citizens. If such order remains intact, this tends to make domestic politics more peaceful (Lebow 2010). Reaching cooperation and agreements on universal principles is seen as challenging to realists because of the nature of competition.

In this world system even non-intervention is not always applied (Dunn & Schmidt 2011; Mingst & Arreguín-Toft 2014).

2.1.3 Liberalism, cooperation and collective security

In contrast, traditional liberalists highlight a few Kantian assumptions such as democracy, international trade and international organisations as drivers of peace. The first point implies an assumption that democracies rarely enter into conflict with other states. This is explained by domestic norms being understood to be similar within democratic states, and the view that “conflicts are best resolved by negotiation and compromise without the resort to the threat of organized violence” (Russett 2010:102). These common principles are believed to mitigate conflict and promote diplomatic solutions. Furthermore, established institutions have a specific role in holding democratic leaders accountable for any aggressive act. The costs of war often outweigh the benefits, especially in long-lasting conflicts and in losses. The leaders who initiated war or who were merely involved in this conflict stand the risk of being voted out of power by their populations. Hence liberalists suggest that democratic leaders are much more hesitant to engage in war than leaders in dictatorships.

Liberalists also believe the state enjoys sovereignty, but they do not consider it simply an autonomous actor. There are no obvious or constant national interests – there are many. These interests often change and compete against each other within a pluralistic framework. Liberalists strongly believe in collective security and consider this an arrangement where “each state in the system accepts that the security of one is the concern of all, and agrees to join in a collective response to aggression” (Roberts & Kingsbury 1993:30). This is the basic logic behind the establishment of the League of Nations and Woodrow Wilson’s belief in peace being better secured if an international organisation were created to regulate international anarchy. Collective security, national self-determination and free trade are typical liberal principles upon which liberal internationalism is essentially built. Liberalists such as Keohane and Nye (1971) have acknowledged that transnational corporations and international non-governmental organisations must be taken into consideration in IP. Transnationalism and complex interdependence relate particularly to this pluralism in terms of actors engaging in international relations and the mutual dependence of all actors involved.

Liberalists emphasise international trade and its importance with regards to states' interests in maintaining stable relationships and not provoke dissatisfaction when there is a high degree of commercial interaction. Naturally, "The larger the contribution of trade between two countries to their national economies, the stronger the political base that has an interest in preserving peaceful relations between them" (Russett 2010:102).

Moreover, the theory goes a long way towards recognising that today's security concerns (such as terrorism, drug trafficking, pandemics) cannot be addressed unilaterally. Hence there is need to coordinate policy responses among states. Liberal institutionalists hold strongly that global challenges – such as, for instance, toxic waste management and illegal dumping – can be addressed through establishing institutions or governing regimes (Lamy 2011). This confidence in the will of states to cooperate towards maintaining peace and prosperity through combining their resources and even giving up some of their sovereignty in order to address regional problems and promote economic growth differs from the realist point of view on state interests. Ultimately, international organisations may reduce uncertainty in international relations, as they provide a joint forum for states to discuss issues and also to apply the same responses to threats and challenges through mutual identification.

Recognising that states are key actors but not the only significant ones, the focus still remains on the state's behaviour, giving it features as a rational or instrumental actor that seeks to maximise its interest in all issue areas. Hence states will most likely cooperate when this is mutually beneficial and secures international interests. This view claims that states emphasise absolute gains, meaning they are less concerned about how much they gain relatively to others as long as there is gain. The great challenge to such cooperation, however, is states cheating and not complying (Lamy 2011). Neo-liberal institutionalism is a useful perspective in issues where states have mutual interests, such as protecting the environment, human rights, the political economy and human security. It may be more difficult to apply to military or national security issues, where someone's gain is another's loss (Lamy 2011). This is why neo-realists tend to dominate security studies.

2.1.4 Constructivism, ideas and perception

Alexander Wendt argues that "[a]narchy is what states make of it" (1992:391), meaning "anarchy is socially constructed by individual states, based on their 'identities' and how they create their own security

dilemmas” (Krishnaswamy 2012: para. 7). Although his theory essentially relates to inter-state interactions, the idea can indeed be extended to include the interaction between state and non-state actors as well. Through interaction a state may develop shared cultural understandings with others and this forms the state’s perception of ‘the self and the other’. The constructed ideas of a phenomenon are relatable to, for instance, terrorism, where terrorism is perceived as just that through interpretation. It is not a ‘given’ in the real world. Thus, transnational organised crime is also a social construction and whether it is perceived as a threat depends on how individuals and states see it. These insights ultimately determine the responses that each state decides on (Krishnaswamy 2012).

For constructivists, national interests are neither material nor given. They are rather ideational and are in constant change and growth as a reaction to domestic factors as well as international norms and ideas. States have various identities, which include a shared understanding of national identity. This understanding keeps changing and influences state preferences and consequently state behaviour (Russett 2010). Constructivists value knowledge as crucial to the way that actors interpret and structure their social reality. Moreover, the interpretation of their material reality is what shapes the dynamics between ideas and material forces. Thus ideas define the international structure, which again shapes the identities, preferences and foreign policies of states. Ultimately both states and non-state actors reproduce this structure and can also alter it (Barnett 2011). With regards to TOC, it is unfortunate to think one state can solve TOC alone, even if states are often the essential actors in the combat against TOC. Moreover, citizens must be included and well-informed on any measures that the respective governments implement to ensure the best opportunity of the population accepting them. This is particularly important if the measures introduced lead to direct restrictions on people’s lives (Pankratz & Hanns 2012).

2.1.5 An open state-centric approach

Transnational organised crime (TOC) in general is most often analysed by the fields of sociology and criminology. These fields serve as great entry points if the aim is to understand the individual motivations of criminals or how their activities affect societies. However, the phenomenon of TOC is bound to have (and already has) a deep impact on international relations and power structures, and should thus not fall outside of the scope of IR theory (Zabyelina 2009). Susan Strange highlighted this in the debate on the power of states and non-state actors, saying that there is a lack of “explanatory theories capable of adapting to the emergence of TOC as a major threat – perhaps the major threat to the world system in the 1990s and beyond” (Strange 1996: 121). Strange further underscores the transformations that result from

globalisation and the blurred lines between legal and illegal activity that is relevant to what she calls a form of *symbiotic existence* between a state (authorities) and non-state criminal groups. This entanglement naturally complicates the choice of unit of analysis in the international system further (Strange 1996).

Acknowledging that non-state actors, whether they be social forces, non-governmental organisations or criminal networks, have gained influential power is crucial. However, being state-oriented is essentially about viewing states as the main acknowledged players and does not necessarily imply disregarding the relevance of other actors. Thus, having states as the main unit of analysis does not have to mean one focuses solely on the relationship *between* states, but simply that one concentrates on variables such as a state's survival, needs, condition, national security and state sovereignty, which might as well be challenged by non-state actors as by other states. However, an obsession with interstate relations may result in ignoring significant variables.

In mainstream IR theories crime is initially viewed from a domestic societal point of view, and they mostly revolve around how to define crime. The responsibility of defining crime as well as developing responses to it is largely put on the state. Zabyelina (2009) argues that the core assumptions of mainstream IR theory make it hard to use if one intends to explain TOC, which falls outside its research area: "criminals are not creating a state of their own, or acting on the orders of another state by carrying out a certain state sponsored agenda" (Zabyelina 2009:13). Criminal syndicates are commonly economically motivated independent entities rather than political or military threats, the latter being what is traditionally focused on in IR. This unfortunate narrow focus on organised criminal groups has resulted in limitations in the existing literature. For instance, Mary Kaldor (2012) made a significant contribution when she identified the differences between old and new wars, and the transformation in conflict and threats towards national security. However, Kaldor (2012) paints a simple picture on the assumption that every threat deliberately or directly goes after the power of, or threatens, the state directly. The weakness here is that this approach merely includes politically motivated threats and overlooks the threats posed by criminal activity linked to, for example, exploitation of the environment. Moreover, when non-state actors indeed are recognised in IR theory, it is important that one does not limit their inclusion to influential civil society groups such as Amnesty International, but also stress the relevance of other forms of trans-border activities, crimes and organisations, such as human trafficking or Hezbollah (Zabyelina 2009).

As IR theories are concerned with security threats, one must define the notion of security in order to argue why each theory should be more devoted to issues around transnational crime. Determining that TOC does indeed threaten both national and international security can be difficult, especially through an old-fashioned military conception of security. Moreover, crime is widely recognised as a domestic concern and legal bodies vary greatly from country to country. However, a broadening of the concept and an inclusion of environmental, social and economic variables as well as a military dimension make it easier to prove that TOC is a challenge to the functioning of society as a whole (Williams 1994). Furthermore, the question of whether the state is an adequate security provider should be raised when the challenges faced are impossible to solve by one state alone. This is especially interesting with regards to the self-help system implicit in realism, which is built on the idea of ‘us’ and the ‘other’, when sometimes the threat is unknown (Tickner 1995).

2.2 Security threat

“The focus on states as the primary, or only, actors that provide or withhold security is insufficient given the presence of new and emerging non-state actors” (Ettang 2011:74 in Thakur & Heine)

The concept of TOC as a security threat gained recognition in security studies after the end of the Cold War (Fukumi 2008; Shelley 1995). Although globalisation has been mentioned as a great contributor to the proliferation of TOC and facilitated TOC advancement, organised crime was not born with globalisation. In fact similar criminal syndicates have existed ever since the establishment of borders. For instance, in Japan the Yakuza clans have controlled criminal activity over four centuries. Nevertheless, such groups change in line with the world being in flux and they adapt well to current social trends and developments (Potter 2006).

TOC differs from conventional threats such as war and invasion. While states have traditionally solved their security threats by military intervention, TOC does not present a single geographical target, nor is it ever solely one state’s problem. Hence, it is argued that TOC must be analysed as a non-traditional security threat because it does not directly jeopardise a state’s territory or sovereignty, despite indirectly challenging it strongly. TOC puts a state’s identity to the test. Identity here includes policies, form of government and the way a state is perceived by other states in the realm of international relations (Dordevic 2009).

Soft-threats, as Hurrell (1998) labels TOC, are prominent in environments where there is state weakness and an absence of political legitimacy. This includes the failure of states to provide public services and minimal conditions to its citizens within its borders. When internal disorder spills into the international arena, it is immediately worsened by weak states' inability to undertake the effective measures necessary to stabilise the region (Hurrell 1998). Thus, internal instability is generated by soft security threats that undermine basic values indirectly and these threats may in fact present in the state itself. The very existence of instability of the political system in a state provides fertile ground for criminal groups, which are in return drivers of internal instability. Security challenges quickly become international in nature, as internal issues spill over into the regional and eventually into the international arena. Consequently such challenges do compel international responses, including cooperation of a military, law enforcement or juridical nature. However, this raises challenges regarding the principle of sovereignty.

One could look at TOC as a threat on three levels:

- 1) At the international level, the focus is on the extent to which TOC undermines foundational norms, institutions and functions in the international system;
- 2) At the national level, TOC can risk the internal stability of a state. When significant political actors themselves are involved in criminal activities or are incompetent in effectively confronting crime, TOC gains influential power. Such environments may lead to public mistrust among civil society;
- 3) Finally, this results in increased insecurity, jeopardizing human security levels (Picarelli 2008).

When a state is unable to secure its important values, it feels insecure. In realist theory such core values are territorial integrity and sovereignty, which are viewed to be the highest priorities for each state. Security issues are here seen in a military sense, related to the state and its survival. In contrast, social constructivism in security studies emphasises society rather than states. The term 'security' is fairly broad, including both the individual and the international level. As Ole Waever points out, security can in fact be "jeopardized in innumerable ways: economically, culturally, politically, in the sense of protection of human rights etc." (Dordevic 2009:47; see Waever 1998). Including all elements would be impossible, and not verifiable or logical, but such a broad inclusion of elements in security studies does illustrate how all-encompassing the notion of security is (Dordevic 2009).

Societal security must be seen linked to political security with variables such as institutional stability, the political system and the leading ideology of a state. Individuals and their sense of identity play an essential role in society in that individuals find their place in certain social communities through their identity. So, if national security emphasises national sovereignty, it is identity that is the main concept of societal security. Hence, societal insecurity occurs when specific social groups in a society feel threatened, often experiencing their identity as endangered (Waever 1998).

There are four basic state dimensions on which TOC may have an impact, namely economic, political and internal security in the sense of maintaining public order, as well as the dimension of foreign policies (Fukumi 2008) Security threats clearly spill over from the state to the regional to the international sphere. If one introduces and adds the concept of societal security to studies of international security, international security could be viewed as “the globalization of national security issues, and societal and individual societal issues could be micro elements of national security” (Fukumi 2008:26).

2.2.1 Human security

While some IR theories struggle to incorporate concerns about TOC as a major security threat, it is quite unproblematic to do so if one undertakes a human security approach. Human security could be looked at through two different lenses, one that focuses on the state’s capability to ensure security for its citizens and the other on the state as a direct threat to its citizens: “safety from such chronic threats as hunger, disease and repression, as well as the protection from sudden and harmful disruption in the patterns of daily life” (UNDP 1994:23).

The most common understanding of human security is that it addresses:

- Organised crime and criminal violence;
- Human rights and good governance;
- Armed conflict and intervention;
- Genocide and mass crimes;
- Health and development;
- Resources and environment (Human Security Initiative 2015).

The human security approach focuses on the individual. The fairly broad definition allows for the inclusion of a wide range of threats to the individual, from poverty and disease to organised crime, pollution and climate change/environmental degradation (Nussbaum 2000). However, this focus on the individual does not imply a total shift of focus away from the state. It is rather a focus on how the state can cater for its citizens and how well it does so. For instance,

we would not classify an individual or household's health status as a security issue; we would contend that a state can harm its own citizens not just through repressive traditional security measures but also through active or benign neglect of the basic human rights and services to a threshold below which humans cannot truly function (Nussbaum 2000: 390).

Thus, investigating 'state failure' goes beyond the traditional focus on its survival per se, and rather focuses on the state's functionality in terms of ensuring the welfare of its citizens.

2.3 National sovereignty

"National sovereignty has been (and will continue to be) the greatest obstacle to attempts to respond to international environmental threats in a comprehensive and effective manner" (Gardner 2011:133).

As mentioned, states can be seriously challenged by TOC; perhaps the clearest threat is the one to state sovereignty because of increasing difficulties in controlling its territorial borders (Williams 2002). The idea of national sovereignty is the foundation of international law. The concept of international law implies that each state is equally sovereign and owns the final authority within its territorial limits. Consequently, one state cannot command another how to regulate activities that produce pollution or exploit natural resources in its jurisdiction. The international community repeatedly recognises that each state has the sovereign right to develop in accordance with its own environmental policies (Gardner 2011). Yet as environmental challenges do not recognise territorial borders, the implications for the global environment of such an established system are clear.

While nations can do their best to influence other nations to comply with international norms, there is no real enforcement power vested in international law, which means adherence to international norms is the responsibility of each state on its own. This in fact complicates environmental management practices such as conservation, where responsibility and blame are shared between supply, trafficking and demand countries. Moreover, whether the issue has a high political priority or recognised as a real risk in the significant nations varies greatly. In certain instances conditional assistance has proven to be a possible way of avoiding the issue of national sovereignty. An example of such an agreement is a debt-for-nature swap initiated by the Enterprise for the Americas Initiative (EAI), where the United States “agrees to cancel or restructure another nation’s debt in exchange for that nation’s promise to support certain environmental programs or activities” (Gardner 2011:137).

One of the fundamental responsibilities of any government is agreed to be protection of its citizens from crime and defending the state’s monopoly of violence. However, in the light of increasing crime rates in many modern societies, Garland (1996:448) points to the importance of exposing one of the greatest myths of the sovereign state, namely its believed capability to “provide security, law and order, and crime control within its territorial boundaries”.

There are several different interpretations of state sovereignty. Perhaps the most common distinction is between liberal-interdependence theorists and realists. The former emphasises the state’s ability to control players and activities within its defined territorial boundaries. This view also extends to include some sort of control/responsibility over its actors and movement/activity across borders. Realists, however, are much more interested in the authority that is vested in the state. Sovereignty can, in other words, be measured by a state’s ability to make decisions, such as going to war (Thomson 1995). Thomson further suggests that one may look at sovereignty as an institution through which states gain power and authorisation to decide what is political and what is not. This approach ultimately enables states to prioritise what they wish to treat as political matters. Similarly, constructivists are also convinced state sovereignty is some sort of an institution, yet only if states accept the premises and recognise sovereignty among each other (Wendt 1992; Mingst & Arreguín-Toft 2014). Recognising the varied focus on sovereignty provides a better understanding of why IR theorists often make opposing assumptions and predictions about the status of sovereignty in the post Cold-War era (Thomson 1995).

2.4 Transnational activity

2.4.1 Globalisation

Globalisation is typically associated with increased interconnectedness between people and states driven by technological developments and reduced money transaction costs across borders and distances. These advances have generally prompted an opening of borders to facilitate flows of commodities, services, ideas, people and finance. Moreover, they include changes in institutional and policy regimes at international and national levels that promote such flows (WHO 2015). Features of economic globalisation such as integration of trade, movement of labour and the mobility of capital are popularly linked to neoliberal ideas. However, globalisation goes far beyond economic activity and “extends to political, cultural, environmental and security issues, and relates to the increasing interconnectedness of countries and communities” (WHO 2015; see also WTO 2015).

Interdependence has implications for the way we view boundaries. National boundaries, as well as economic and cultural ones are losing importance globally, while relationships between different actors (states and societies) are increasingly essential. Indeed, they are all so closely attached that all will be disturbed if something happens to one (Smith, Owens & Baylis 2011; Dunn 2011; Lamy 2011). According to a statement by UN Secretary-General Kofi Annan in 1998:

This changing world presents us with new challenges. Not all effects of globalisation are positive; not all non-State actors are good. There has been an ominous growth in the activities of the drug-traffickers, gun-runners, money-launderers, exploiters of young people for prostitution. These forces of “uncivil society” can be combated only through global cooperation, with the help of civil society (Heine & Thakur 2011:1).

The rapid increase in transnational activity has naturally stimulated the flourishing of transnational connections, both legal and illegal. The aim here is neither to present or argue the positive and negative sides of globalisation nor to take a specific stance on globalisation. Nevertheless, recognising the repercussions of globalisation is essential to further understand the expansion of TOC.

The abovementioned increased interdependence between states has led to a decline in state territorial control. Transnational companies, easy money transfers, improved transportation systems, technology, mobility and movement of people help blur the lines between legal and illegal activity and make it hard to monitor. Because of the rise of international financial networks, licit and illicit trade basically both exist in a single global market. The tremendous amount of commodities being trafficked puts great pressure on borders. Customs officers and law enforcement agencies are unable to properly inspect all traffic of people and goods, which in turn contributes to porous borders and lower risk of being caught. Similarly, the development of modern money transaction systems complicates the detection of illegal transactions and offers near impunity (Williams 1997).

2.4.2 Transnational actors

Transnational actors can simply be described as non-state bodies operating across borders. Transnational actors include and range from NGOs, MNCs and civil society organisations to criminal networks, terrorist and guerrilla groups. Although such formations have existed for some time, they are rarely included in the discourses of traditional international politics, where actions and events are commonly reviewed in terms of states. For instance, historically the literature has tended to focus on nations' agency through expressions such as "Germany wanted Alsace" (Nye & Welch 2009:280). However, the agenda of international politics has broadened as a result of global interconnectedness (Nye & Welch 2009). World politics was to a larger extent viewed in terms of the relations between states. If societies within a state wished to put pressure on another state, they would first lobby and put pressure on their own government and ask it to proceed and talk to the other government.

As transnational companies (TNCs) have gained influence, it is no longer possible to view each country with its own isolated economy. While sovereignty has often been measured by control over its currency and foreign trade, it is natural now to question a state's level of sovereignty or redefine its meaning. Governments are losing control over financial flows, not only challenged by legitimate transnational activity, but also by illegal flows and a growing black market (Willett 2011). It has traditionally been very hard for governments to regulate legitimate international transactions, let alone criminal trade and money laundering. Transnational activities contribute to a shift of problems related to the domestic policy of countries into the realm of global politics.

2.5 Transnational organised crime (TOC)

“Organized crime threatens peace and human security, violates human rights and undermines economic, social, cultural, political and civil development of societies around the world” (UNODC 2015). The United Nations Convention against Transnational Organised Crime (UNTOC) is careful to suggest a clear definition of TOC, claiming that such a phenomenon is subject to constant transformation and will remain open as it then allows for broader applicability of the Organised Crime Convention (UNODC 2015).

First of all, organised crime entails cooperation between two or more people, where each group has a specific role with designated assignments. Such organised groups exist over a long or unlimited timeline through the use of some form of discipline and control. Operations are usually on an international level through cross-border activities. There is a persistent use of violence or other forms of threats and corruption. The structures are often commercial or business-like. Involvement in money laundering is prominent within these criminal networks. These groups often grow to be very powerful and can have a huge influence on politics, the media, public administration, judicial authorities or the economy. Finally, it is common that TOC is being driven by profit or a desire for increased power (UNODC 2010b).

Although the world has experienced an expansion in organised criminal networks, Williams (2005:57) notes that “crossing borders in the pursuit of wealth through illicit means” is not a new pattern. In fact, illegal activity such as smuggling of goods and trafficking of women has been present for a long time. Nevertheless, today’s trends and patterns prove to be very different in scale and diversity, and pose an increasingly more serious threat than ever before. The criminal syndicates involved have expanded and consist of more linkages and individuals than before, often operating in grey zones between licit and illicit activity. Following the expansion of global markets and the transnational economy, the informal economy has become increasingly difficult to control and has consequently grown.

Transnational criminal organisations (TCOs) vary in the way they are structured, methods of recruitment and their views and mission. However, there are several commonalities, which certainly do link them together and place them in the same category of TOC. They are commonly highly mobile and adapt quickly and effectively, making cross-border operations easy. Their focus on connections and strong networks rather than formal organisations enables smooth manoeuvring. Moreover, they possess great knowledge on how to navigate through state structures and find loopholes where strategic alliances can be

built. These alliances are crucial, as transnational criminal networks are forced to work with existing local criminal organisations to avoid competing. In addition, they increase the chances of TCOs “to circumvent the law enforcement agencies, facilitate risk sharing and make it possible to use existing distribution channels” (Williams 1997:328). Although it is difficult to make an analysis of these links, their existence is unquestionable and there is reason to believe that these relationships are established quite frequently. The incredible resilience of criminal networks has certainly been amplified by globalisation (Ayling 2012). As Albanese *et al.* (2003:438) note: “organized crime is tenacious in its ability to change its form, targets, and operations in ways that respond directly to shifts in public demand, prosecution successes, and new criminal opportunities”.

2.5.1 Opportunities in crime

There are both push and pull factors explaining an individual’s involvement in crime. Persistent inequalities, both within and between societies, as well as poverty are strong motivations for actors to seek alternative sources of income, opportunities connected to illicit activities included. Moreover, significant in the globalisation of crime are also capabilities, here referring to criminal groups’ ability to transform and grow as transnational criminal corporations through well-developed organisational and entrepreneurial skills. These strategies are so complex and sophisticated that such criminal groups indeed surpass many transnational corporations in terms of manoeuvring and execution of operations. These groups have furthermore become experts in exploiting opportunities and resources, while not hesitating to work outside domestic laws and norms or illegally crossing borders. In fact, they have become professionals in avoiding law enforcement both within respective states and globally (Williams 1997). Because of their skills and continuous advancement, wildlife crime, for instance, is still considered a fairly low-risk/high-profit business, attractive for many individuals looking to get involved on some level (WWF 2015; worldwildlife.org n.d.).

2.5.2 TCOs’ motivation and state structures

While the rise of a mass consumer market has stimulated the expansion of transnational organised crime, the same circumstances hinder governments’ efforts to curb large-scale criminality. Kaldor (2012:87) claims that criminal groups “feed like vultures on the remnants of the disintegrating state and on the frustrations and resentments of the poor and unemployed”.

Williams (2008) recognises the variations in non-state actors challenging the sovereignty of states and its monopoly of the use of force. While globalisation has contributed to the declining role of states, and facilitated the rise of non-state actors and their increased influence, the nature and goals of these groups vary greatly. Some groups are directly challenging the state as a result of discontent, or see an opportunity to gain influence, while others merely take advantage of the existing loopholes, attempt to stay under the radar and do not have a direct interest in overthrowing the existing regime. Similarly, some TCOs are violent in nature, while others do not place the same emphasis on violence. The lack of sufficient criminal justice, for instance, creates quite an accommodating environment for criminals seeking to perpetuate and intensify weaknesses in the system (Williams 2008). The existence of these groups is partly a consequence of the structure of the system. Some of them benefit significantly from the fragility of the state, which also commonly has a high level of corruption. Increasing levels of criminality reinforce these characteristics of the state. Organised crime infiltrates all levels of society, and one will often find that government officials are directly cooperating with such groups. One may also find that criminal actors take on a role as proxy for the state, which in turn puts even greater pressure on the state's authority and legitimacy (Williams 2008). Violent non-state actors (VNSA) pose a particularly great threat to the notion of the Westphalian state (Williams 2008).

Moreover, situations where individual interests of those in government in fact prevail over collective interests contribute to diminishing the role of the state and its legitimacy and loyalty among its population. Such states are often highly corrupted (Williams 2008). A system which excludes collective participation or services for all – whether they be social, political or economic or a combination of them – is prone to create grievances among its people. While total inclusion is improbable, and some level of exclusion will exist for some as others are more privileged, it is likely that extreme exclusion will provoke dismay and conflict.

Although one must be cautious in claiming there is a causal relationship between state weakness and the presence of criminal actors, it is quite evident that states with a low level of legitimacy struggle more to uphold the loyalty of their populations. Citizens may seek affiliation with other forms of groups, and look to family, tribe or clan as the main reference points for political action, often in opposition to the state.

2.5.3 Fragile states

“Weak institutions not only allow citizens and officials to seek illicit gains, at times with impunity; they also create incentives for more corruption as people seek protection in an uncertain environment” (Johnston 2005:38).

Whilst TCOs indeed create chaos, they do derive from existing uncertainties and exploit weak structures and dubious state legitimacy. Williams (1997: 331) points to a couple of significant factors that are often present in fragile states: “economic inequalities, the dominance of traditional oligarchies, the lack of congruence between nation and state, poor economic performance and ethnic divisions”. The existence of these circumstances may lead to the flourishing of alternative “parallel political and economic structures” (Williams 1997:331).

There is a great deal of literature pointing to fragile states or failed states being more vulnerable to organised crime. Yet one must clarify what is meant by these concepts. Bøås and Jennings (2005) raise a valid point on the danger of generalising. The misconception of states as equal units often applies also when referring to failed states. Comments on fragile states often suggest that “states’ weaknesses are linked to the likelihood of break-up or secession” (Bøås & Jennings 2005:386), which may be the circumstances in some cases, but very often not. Bøås and Jennings here highlight the importance of analysing for whom the state is failing and how, rather than ‘is the state failing?’ This enables us to capture and acknowledge that there are different interests among different groups in society. Therefore they claim that state failure is only interesting in the context of human security. Hence, the idea of the ‘failed state’ should be related to the examination of the state’s “ability or willingness to function in a manner conducive to the welfare of the majority of its citizens” (Bøås & Jennings 2005: 386).

2.5.4 Capacity and legitimacy

A fragile state is often defined through two popular components, namely capacity and legitimacy² – in other words a state’s ability to cater for its citizens and the degree to which it is an accepted authority. A state that does not enjoy public recognition as an authority or performs poorly in terms of providing

² “Capacity refers to the state’s ability to deliver public goods, services and rights to its population; while legitimacy denotes the state’s ability to have its authority fully recognized, accepted and asserted throughout the territory” (Anten *et al.* 2012 in Miraglia *et al.* 2012: 14).

public goods can be said to be fragile (Anten *et al.* 2012). The International Network on Conflict and Fragility (INCAF) identifies a fragile state by its “weak capacity to carry out basic functions of governing a population and its territory and being unable to develop mutually constructive and reinforcing relations with society” (OECD 2011b:21)

The fragility of a state might be the very reason TOC could flourish and expand in the first place. However, TOC will in turn undoubtedly contribute to the fragility through its undermining of state legitimacy (Miraglia *et al.* 2012). A nation-state’s authority depends on its legitimacy among civil society and groups, and the level of this authority will determine its actual agency. Naturally, enforcement is much more demanding in states where there are strong social and political dividing lines (Peluso 1993).

Although the literature on TOC often emphasises how crime in the global market can threaten fragile or weak states (e.g. Shelley 1995), this is by no means absolute. Every state is greatly challenged by transnational crime and the quality of governance is deeply disturbed. Transnational criminal markets put pressure on the stability of nation states. Both strong and weak states are threatened, although the latter are more vulnerable. Weak states often lack the capacity to manage and control the level of crime, and there are often high levels of corruption in the state itself. However, fragile and conflict-affected states are by no means the only states affected, as TOC infiltrates the global markets and all types of states can indeed be involved (Miraglia, Ochoa & Briscoe 2012). Research has emphasised TOC’s ability to harm the quality of a state’s governance through corruption and compromising the integrity of public officials (van Dijk 2007). When a state’s capacity to deliver public goods is harmed, this will affect the level of fragility. A highly corrupted state will also experience loss of legitimacy, which will in turn compromise the ability to remain in power (Varese 2000; West 2006). TOC’s tendency to infiltrate state structures and feed on flaws increases fragility. While TOC naturally puts severe pressure on state stability and can ultimately be a major contributing factor to state failure, it must be analysed both as a cause and effect of state fragility and instability (Miraglia *et al.* 2012).

2.5.5 Domestic elements contributing to TOC expansion

There are several reasons why fragile states may offer specific environments that are particularly fertile grounds for TOC. Miraglia *et al.* (2012) have listed some factors explaining the vulnerability in some fragile states making them specifically exposed to TOC. This study will focus on a few of them.

A) Institutional fragmentation

Many states characterised as fragile (Migdal 2001) experience some sort of socio-political fragmentation. These environments present specific opportunities for transnational organised crime when establishing partners. Both interest groups and political and economic stakeholders may choose to conspire with criminal groups and well-established networks as they present profitable opportunities. A strong institutional framework in place and sufficient monitoring and supervision as well as close reporting lines in place will assist in ensuring lawful practice and maintaining trust.

Poor institutional foundations, especially concerning security forces and the relationship between central and local levels of state, pose challenges in terms of maintaining social order. This environment may create loopholes and enable officials themselves to establish strong bonds with organised crime without being sufficiently monitored. This allows TOC to infiltrate the state and its institutions without too much effort. This is evident in, for instance, some elections, where officials have sought contributions from TCOs in order to finance their election campaigns and rally support (Miraglia *et al.* 2012).

B) Social fragmentation

A state with high levels of fragmentation among its citizens may also perform less coherently. This may become evident through weak interpersonal ties and social capital, particularly between separate groups. This is common in regions where TOC flourishes. Such societies tend to have a strong presence of trust and support through internal bonds between kinship and ethnic groups, but the ties between separate groups prove to be significantly weaker. Economic hardship and the absence of state authorities may reinforce these patterns. Several factors play a role in causing fragmentation. The status of borders, new population hubs, economic recession or distress, and heavy migration flows as well as dependence on their labour will in some instances make it challenging to address social capital gaps in society (Putnam 2000). Consequently, community control, supervision and management of the behaviour and performance of security forces, state officials and other citizens are tenuous (Miraglia *et al.* 2012).

C) Inequality and poorly functioning state

Where there are high levels of unemployment and extensive social and economic inequalities, established criminal groups may function as a good economic alternative, and through this gain support and

legitimacy from citizens. TOC can indeed provide employment and cover the basic public goods – one being protection – and therefore be a good substitute in particular areas where the state may be failing. There are several examples of criminal groups being considered as valued members of communities through actually providing some form of law and order (Miraglia *et al.* 2012). A field-based study of the Atlantic coastal region of Nicaragua found public sentiment to be highly tolerant of drug trafficking in the absence of other economic activities (Quiñónez *et al.* 2010).

D) Criminal legitimacy

If one accepts the notion of criminal environments, there is also reason to believe that local populations to a certain extent accept criminal groups and that a new form of social contract between them has emerged. Discussing the possible positive impacts that TOC may have on some communities is very challenging (Skaperdas 2001). In circumstances as mentioned above, where there is a great deal of economic and social poverty, people may view TOC groups as an alternative security provider to the state if they are well organised. The peripheral districts, where government presence is limited, are particularly vulnerable to this development. Moreover, rural areas are more prone to exploitation. For instance, poor rural areas may experience that profit-making activities are few and may include dealing in illegal crops and commodities. Farmers and other workers from such districts may be more lenient in supporting criminal activity or local actors involved in TOC. If TOC is considered the only means of survival, it may easily become socially embedded and indeed achieve legitimacy in certain areas (Manrique 2006; Adams 2011). Nevertheless, groups using violence to achieve political goals do not tend to obtain legitimacy, but can in exceptional circumstances be recognised as national liberation movements and in fact take part in diplomacy (Willetts 2011).

E) The entrenchment of crime

It is difficult to analyse TOC as a result of domestic interests and the political economy isolated from global stimuli. The condition of the state is in some instances coloured by fragmentation, inequality, imbalanced regional development and openness to corruption. While each nation provides the institutional framework and is responsible for environments that spur on criminal activity as well as involvement from local elites offering opportunities for these groups, the significance of global inspiration must not be underrated. Not only do migration patterns, decentralisation of state structures and economic intervention and regional economic organisations linked to commodity trade play a substantial

role in forming ideas of material gain, they also generate ethical behaviour and cultural inspiration. Although these factors are not directly linked as causes to TOC, they are likely to enable partnerships between international and local groups.

Nonetheless, once a certain level of TOC is established in a country or area, it tends to perform in its own unique way specific to the region. What is now seen in many states troubled by TOC is a form of public tolerance of illicit behaviour and armed violence as well as strong connections between political and criminal elites. This appears to be the case even where the influence of global trafficking networks is declining (Miraglia *et al.* 2012).

2.5.6 Transition states

Williams (1997) explains the characteristics of a state in transition and why they are particularly prone to organised crime. A state is extra vulnerable when undergoing political and structural changes, both in terms of formal legislation but also public norms. State legitimacy may be weakened when established social norms and formal sanctions are interrupted. Moreover, a state in transition is likely to suffer from an inability to sufficiently maintain stability during such a period, especially in polarised and insecure societies. With this lack of opportunities, some turn to illegal measures and economic opportunities through crime.

For instance, Standing's (2006) study on organised crime in the Cape Flats³ underscores this and elaborates on the extent to which there was a weakening of the state's crime-fighting capacity in the transition years from apartheid to democracy. The police were concerned with other political matters during the final years of apartheid and did not prioritise addressing the rise of organised crime. South Africa also experienced a liberalisation of its economy, which meant a shift from global isolation and strict border controls to freer movement across borders with all that that entails (Williams 1997). The case of South Africa will be further explored in the next chapter

³ The Cape Flats is an expanding impoverished suburb of Cape Town, deeply affected by organised crime.

2.6 Environmental crime

The literature that examines the impacts of TOC often refer to terrorism, which differs greatly in its nature and aim from, for example, environmental crime, although one may find similarities in the ways in which it operates and is organised. Thus, transnational forms of criminality have common features which link them together under the umbrella of TOC, but the kind of TOC that is being described must be specified explicitly. While transnational environmental crime is continuing to grow rapidly as a serious cross-border criminal enterprise, many argue that it has not received enough attention in policy decisions and enforcement, and point to lack of sufficient commitment to develop satisfactory international treaties to prevent and punish such crimes (Elliott 2012). The general concern for the natural environment was stimulated during the 1960s and 1970s as a result of cases of environmental degradation being revealed. Environmental crime involves a whole range of activities – linked together by the one main characteristic, namely that they have deep impacts on the environment (INTERPOL n.d.).

Environmental crime involves a variety of illegal activities causing harm to the environment and human health including littering, improper disposal of radioactive materials, illegal wildlife trade, smuggling of ozone-depleting substances (ODS), illicit trade or dumping of hazardous waste, illegal fishing, illegal logging and trade in timber, and general theft of flora, fauna and natural resources. The consequences are many; for instance, such activities can affect the quality of air, water and soil as well as threatening the existence of certain species and causing uncontrollable disasters. Moreover, environmental crimes in whichever form inflict security threats on people and have a significant negative influence on the rule of law and on development. Regardless of these impacts, governmental responses are often weak. Environmental crime seems not to have a high priority in law enforcement as it is viewed as a ‘victimless’ crime. Consequently, such crimes are generally met with unclear and low administrative sanctions. (European Commission 2015; UNICRI 2015; Shover & Routhe 2005; Fröhlich 2003).

Environmental crimes, like all crimes, have benefited and proliferated from the involvement of organised criminal networks. The interest in transnational environmental crimes by criminal groups is driven by the aspiration to achieve high economic gains with relatively low risk of detection and punishment. Naturally, stimulating corruption and money laundering as well as undermining the rule of law, environmental crime harms the public in two ways: first by creating unsafe environments, and secondly by attracting resources to counteract crimes that otherwise could be spent on public services and welfare (INTERPOL n.d.; UNICRI 2015). Wherever there are resources that are poorly managed, there will be opportunities for

exploitation. Environmental crimes such as trade in carbon, water management crimes, wildlife and timber trafficking keep emerging. However, environmental threats not only include the exploitation of the world's resources but also pollution crime. This basically involves "the trading and disposal of hazardous wastes or resources in contravention of national and international laws" (UNODC 2015).

The level of organization needed for these crimes indicates a link with other serious offences, including theft, fraud, corruption, drugs and human trafficking, counterfeiting, firearms smuggling, and money laundering, several of which have been substantiated by investigations. Environmental crimes therefore today represent an emerging form of transnational organized crime requiring more in-depth analysis and better-coordinated responses at national, regional and international levels (UNICRI 2015).

Environmental crime is transnational by nature, as it is not often constrained by borders. Organised criminal groups have certainly found that environmental exploitation is a lucrative business. The high revenues that this illegal trade generates, which in turn encourages poaching, is putting immense pressure on protected (natural) fauna and flora (UNODC 2015). "Given the diversity of environmental crime, perhaps little can be said about it that applies uniformly to its subtypes" (Shover & Routh 2005). The next section will consider the traits of wildlife crime in more detail.

2.7 Wildlife crime

"The illegal wildlife trade is perhaps the last form of global organised crime to be addressed seriously by national and international authorities, and instead has been treated mostly as a specialist niche within conservation work; its scope, scale and impact have been massively underestimated" (UNEP 2014: 2).

Wildlife crime includes illegal poaching and the selling and trading of plants, wild animals and their parts. Illegally or legally, wildlife and wildlife parts are usually traded as exotic pets, trophies, luxury items and souvenirs, religious and cultural items, food and medicine. Ivory is often used for decorative objects and traditional African and Asian medicine uses rhino horn, tiger bones and genitals, leopard pelts and paws, bear paws and gallbladders and pelts from numerous animals used for clothing, rugs and wall hangings. Marine species have also been exposed to overfishing and used as delicacies, such as the shark fin,

abalone and beluga caviar (Hewson 1998; Adams & McShane 1992).

Illicit trade in natural resources such as timber, diamonds and wildlife (and their parts) has in recent years become extremely profitable. Not only is the wildlife trade considered a low-risk crime compared to drug trafficking, for example, but the actors involved vary greatly – from organised criminal groups, military units or even guerrillas to opportunistic individual poachers. In times of war, conflict and political unrest, natural resources have popularly been exploited in order to fund the on-going activities (Warchol *et al.* 2003). Wildlife crime breeds in environments with natural resources, which can easily be exploited because of the lack of capacity to regulate them.

Offences committed in relation to wildlife and forests have multiple dimensions, which makes this a complex phenomenon. Cultural, environmental, social and economic factors all play a part in these crimes involving a variety of actors. In order to counteract wildlife and fauna offences, effective responses must be developed and coordinated through a cooperative multi-sectoral approach. This very complexity of the issue makes it increasingly “challenging for governments and international organizations to identify the strengths and weaknesses of and grasp existing legislation, administrative enforcement, judicial and preventive systems” (UNODC 2012:1).

There are also some fundamental differences between wildlife crime and other traditional crimes which should be taken into account. For instance, property crimes (robbery, theft, arson and vandalism) are criminalised because they clearly cause harm to people by generating uncertainty and harming confidence, business and economic growth. Although these features also do apply to criminal acts against natural resources, there is an extra dimension to the fight against wildlife crime. The existing legislation to protect wildlife also aims to ensure the sustainability of natural resource systems, which sets up a different dynamic for wildlife law enforcement. A Wildlife and Forest Crime Analytic Toolkit produced by the UNODC suggests that this should lead to “the analysis of uses and users of wildlife resources taking into consideration the sustainability and promotion of compliance with good resource management policies” (UNODC 2012:1).

The consequences of continued poaching and illegal wildlife trade are far-reaching. Besides undermining decades of important conservation work and development rewards, ecological, economic and national security aspects are also affected. In 2012 TRAFFIC estimated that the black market for illegal wildlife

products was worth about \$19 billion a year. Increasing demand keeps pushing prices to higher levels, well assisted by the Internet, which enables anonymous listings and enquiries (UNODC 2012). Moreover, many animals are now on the brink of extinction, including species of elephant, tigers, rhinos, pangolins, turtles, sharks and parrots. From 1998 to 2011 the illegal trade in ivory increased by nearly 300 percent. The annual number of rhino poaching incidents increased more than 9,000 percent from 13 in 2007 to 1215 in 2014 (TRAFFIC 2014).

Illegal wildlife trade is considered a low-risk crime where the chances of detection and level of prosecution are limited, at least lower than other forms of illicit trafficking. This, combined with the high profit levels, has attracted transnational criminal syndicates, some also linked to forced labour and human trafficking. Adding to the complexity is the fact that many national economies rely on income from wildlife tourism. The livelihoods of people living in communities closely located to wildlife often depend on revenues from tourism and natural resources. These communities are further particularly exposed to criminals working in these environments, both recruiting people from local communities to join their operations and taking away opportunities for licit income following a decline in wildlife. Poachers are increasingly more sophisticated and their methods are advancing quickly along with their equipment, with help from intricate transnational criminal networks. For these operations to be possible, the groups involved exploit loopholes or limitations in law enforcement capacity and corrupt officials by offering bribes and/or other favours. Unstable or insecure economies make the whole process significantly simpler for criminals (Warchol *et al.* 2003). Wildlife crime ultimately puts severe pressure on numerous developing African nations by threatening their economic and political stability. Commercial poaching means significant economic loss for the nations affected. First of all, depleted wildlife harms tourism and conservation. Besides, anti-poaching operations are costly and illegal wildlife trade has funded conflicts and civil wars, enabling a continuation of unrest and insurgencies (Warchol *et al.* 2003).

2.8 Conclusion

This chapter has attempted to highlight concepts in IR theories that are relevant in the examination of transnational organised crime, arguing that a state-centric focus does not necessarily exclude non-state actors. However, the traditional premises of the theories indeed also restrict the study of transnational non-state actors. The chapter has provided deeper insight into elements which are often present in states that are particularly vulnerable to TOC and indicated how TOC poses threats to state security and

stability. Lastly, environmental crime and wildlife crime were presented as aspects of broader transnational organised crime. Wildlife crime will be examined more fully in the next chapter.

Chapter 3

3 Wildlife crime and rhino poaching in South Africa

As South Africa is the primary custodian of Africa's rhinos, it is also particularly challenged by poachers. Which other factors in South Africa contribute to its vulnerability to wildlife criminal syndicates? Keeping in mind the environments in which TOC thrives, this chapter will seek to explore the relationship between the South African state and wildlife trade and crime. The focus will be on the poaching crisis in South Africa and the Kruger National Park in particular.

3.1 Organised crime in Africa

The literature on organised crime in Africa is scanty. In fact, it seems organised crime has not been viewed as something of particular concern to Africa, with Nigeria and South Africa often being the only two countries mentioned in regards to it. Crime in Africa has traditionally been mentioned more in terms of 'warlords', 'syndicates', or 'violent entrepreneurs', although naturally their activities resemble those of organised criminals (Shaw & Reitano 2013). The growth of organised crime in Africa can be identified as occurring in three phases. The first phase begins in the 1970s with a focus on post-colonial conditions. The second phase depicts the period starting at the end of the Cold War with the emergence of alliances between armed groups in Africa and foreign criminal networks. Finally, the third phase develops in the new millennium, with the specific use of illicit trafficking and technological developments as well the formation of close connections between criminal syndicates and the state (Shaw & Reitano 2013).

3.1.1 Organised crime in South Africa following the political transition

In the context of South Africa, it makes sense to look at the post-apartheid state. During the transition years the state aimed for more openness, especially economically, which in fact contributed to the upsurge of transnational crime. South Africa in transition was particularly exposed in terms of the penetration and expansion of organised criminal activities and networks (Shaw & Reitano 2013). As mentioned in the previous chapter, transition states undergo fundamental changes over a short period of time, which may shift the focus away from deep issues developing in society. In 1997 du Bois (1997:32) claimed: "The general consensus regarding the new South Africa is that opportunities for crime have

never been greater". Du Bois argued that the political transition (at the time quite recent), poverty, economic insecurities and instability produced a climate that provided fertile breeding ground for criminal networks, which allowed both their establishment and their expansion.

While South Africa's transition to a democratic government after 1994 was peaceful, many South Africans experienced that crime and violence characterised the transformation process and the subsequent period (Louw 1997). States in transition can often be defined as weak in that they cannot sufficiently meet basic needs of their citizens. When the main priorities were stabilising conflicts, rebuilding the state and demobilising armed groups, it was easier to overlook the need to address organised crime. In addition, the increase of criminal activities has occurred at such a pace that its impacts have been recognised late. This means that policymakers were already lagging behind when the issues were finally included in the more recent concerns about stability (Shaw & Reitano 2013).

Along with South Africa's economic growth the country's illegal economy has also boomed. The years after apartheid created fertile breeding ground for organised criminal groups as a result of several immediate changes. During apartheid the country's borders had been tightly monitored and global isolation had characterised the country. However, the years after the democratic transition evinced a move from a very racially divided system of apartheid government to a more inclusive opening of borders. Moreover, legislators were preoccupied with nation-building rather than policing, allowing criminal syndicates to take advantage of sound banking systems and infrastructure (Findlay 2013). The boom in organised criminal activity was alarming for the government. New political changes allowed for expansion of criminal networks. In addition, during this period there was a high turnover of police officers and staff from highly skilled experienced personnel to newly appointed untrained police. Hence, the transition affected all parts of society and criminal networks opportunistically took advantage of these unsettled systems (Owen 2014).

South Africa today, along with Nigeria, has one of the largest economies on the continent and, according to Findlay (2013), it has the second highest level of illicit financial outflows on the continent. Since the transition organised crime has developed more complex networks with deep international connections. Johannesburg has become known as one of the most important cities

in terms of hosting illegal goods ranging from drugs to rhino horn. The province of Gauteng is especially exposed to criminal networks and crime in general, as is revealed when reviewing data from the South African Police Service in 2013. But organised crime is also well established across the whole country; so much so that it can easily evade the authorities assigned to combat it, often by making their own unofficial corrupt agreements with government officials. For instance, the former national commissioner of the South African Police Service, also former head of INTERPOL, was sentenced in 2010 to 15 years in prison for taking a bribe from a convicted drug dealer. Just a year later his successor was accused of corruption and resigned (Shaw & Reitano 2013; Findlay 2013).

Peter Gastrow, in an interview with Findlay (2013) in *Time* magazine, points to an intensification in public sector corruption and bribery, which contributes significantly to the growth of organised crime. Gastrow, a crime consultant based in Cape Town, also claims the state has failed in terms of launching effective counter-measures to deal with the rise of organised crime, pointing to a potential lack of political will. Moreover, he claimed that South Africa was at a stage where the state was overwhelmed (Findlay 2013). Even if responses were ramped up and more criminals convicted, the illicit market would continue to grow. East Asia represents much of the demand for illegal commodities because of the rapid economic growth of their middle class, also shifting the whole informal black market to countries such as China. However, this does not relieve South Africa of the pressure from organised crime. In fact, it implies that South Africa will play a key role as both a supply and transit country because of its convenient location for shipment to East Asia and its well-developed infrastructure (Findlay 2013; Gastrow 1999).

Many factors make South Africa attractive for international crime syndicates. Apart from the well-developed infrastructure, high standard of living, transportation systems, remote airports and relatively weak border controls contributing to easy smuggling, the country is also home to valuable natural resources such as the rhino horn and abalone. These factors combined make South Africa a convenient hub for foreign individuals looking to organise crime operations (Owen 2014). Moreover, Gareth Newham, head of the governance, crime and justice division at the ISS,⁴ claims the risk of being caught and persecuted in South Africa is relatively low and he

⁴ Institute for Security Studies in Pretoria, South Africa.

also point to a weak justice system overall. This, along with easy use of false passports at border controls and the high levels of corruption and possibility of bribing the police to avoid arrest, contributes towards making South Africa a haven for syndicates as they have limited obstacles (Owen 2014; Goga 2014). Corruption is common at all levels of state functioning. For instance, Home Affairs is a typical department where one finds a lot of corruption. Many obtain legal documents to enter, stay and work in South Africa by bribing officials. Organised criminal syndicates frequently make use of this practice in order to set up legal businesses through which they can launder money for illegal business (Owen 2014).

Another weakness pointed out by Newham is the lack of sufficient effort from crime intelligence; he states that SA police “rely too much on moles in the criminal networks to gather intelligence and not enough on other sources such as electronic surveillance” (Owen 2014). Ultimately, one of the main concerns in terms of addressing the high levels of organised crime is low ethical standards among professionals (Owen 2014).

3.2 South Africa today

South Africa today is affected by high levels of poverty, unemployment and inequality as some of its most pressing issues. South Africa is considered an upper-middle-income country, but many factors – such as economic and social indicators, life expectancy, infant mortality and poor education quality – is driving it in the direction of becoming a lower-middle-income or even low-income country. It is very clear that the distribution of resources and human capital is highly unequal, as the richest people in the country enjoy the same living standards as the richest in rich countries and, similarly, the poorest are like the poorest in the poorest countries. Inequality is still sharply determined by race and gender patterns, and income distribution is deeply unbalanced (Marais 2011; van der Berg 2014; Philip, Tsedu & Zwane 2014). The Gini coefficient measuring income inequality was 0.69 in 2011, which placed South Africa as the most unequal society in the world (among the measured societies) (Philip *et al.* 2014).

Moreover, crime rates in South Africa are very high. Every South African has experienced crime or knows someone who has been a victim of it. Crime is very often executed in extreme forms, such as a robbery linked to killing. In addition, police officers are not well paid or trained, which

creates discontent within the force itself – a push factor for getting involved in crime themselves. Corruption and bribery in law enforcement weakens public trust in the rule of law (Dowden 2009; Marais 2011). The Transparency International (TI) Corruption Perceptions Index⁵ for 2014 ranks South Africa 67th out of 174 countries and shows a score of 44. TI also have measurements of public opinion on corruption levels, where 1 is not at all corrupt and 5 is extremely corrupt. On this Global Corruption Barometer for 2010/11 the institution which the public perceived to be most affected by corruption was in fact the police, with a score as high as 4.4. Parliament and the legislature also received a worryingly high score at 3.8. The most recent results from 2013 show that 83% of respondents in South Africa felt that the police were corrupt/extremely corrupt and 74% expressed the same sentiments about public officials and civil servants (Transparency International 2013). Moreover, a ranking of the most fragile states⁶ in the world places South Africa at 115 out of 178 nations measured. Although seemingly far down on the list on a global level, it does in fact come out as one of the most stable countries on the continent, beaten only by Botswana and Mauritius (Fund for Peace 2014). However, pulling it down are poor scores on variables such as demographic pressures including food scarcity and population growth, and uneven development as seen in Figure 1.

Figure 1: Global Corruption Barometer for 2010/11 from Transparency International (2013)

INDICATOR	SCORE
External intervention	3.2
Human rights and the rule of law	4.3
Human flight and brain drain	4.6
Security apparatus	4.9
Legitimacy of the state	5.0
Factionalised elites	5.6
Poverty and economic decline	5.8

⁵ The Corruption Perceptions Index ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean).

⁶ The index is compiled by looking at data during the course of 2013 across 12 political, economic and social indicators, rated out of 10 (where 10 indicates poor performance).

Group grievance	5.8
Public services	6.1
Refugees and internally displaced persons	6.2
Demographic pressures	7.4
Uneven development	7.7

According to a UNDP report, unemployment levels have remained above 20 per cent for the last 20 years. Such high unemployment levels result in lack of economic opportunities, which in turn is an incentive to look elsewhere for alternative sources of income (Philip *et al.* 2014).

3.3 The harvesting and trade in wildlife

Historically hunting has played a fundamental role in Africa, providing a livelihood through game meat, but also contributing to social functions and rituals. Until the late twentieth century poaching of bushmeat was not viewed as a priority conservation issue because of the large wildlife populations and relatively small human populations. However, a population increase from 1900 to 2000 raised poverty levels and added pressure on wildlife as a source of food and revenue. The actual trade in bushmeat is believed to have been spurred by the opening of frontier forests for logging and mining operations, which resulted in increased demand for cheap protein sources for the workers (TRAFFIC 2002). As bushmeat increasingly became a valuable commodity and was considered an inexpensive source of protein, it was harvested on a larger scale than before. Bushmeat trade became an acceptable practice, but it was not well regulated and consequently had a negative impact on animal populations. When legal local hunting was exhausted, hunters turned to poaching in public and private game reserves, and since then poaching has been further commercialised. The Bushmeat Crisis Task Force (2008) identified illegal bushmeat trade as one of the most significant threats to biological diversity, while a 2002 TRAFFIC study suggests that large human populations, poverty and the scarcity of economic opportunities has made bushmeat trade one of the most severe threats to southern African wildlife (Warchol & Johnson 2009).

Ivory has been a lucrative commodity for over 2000 years, although it was a legal trade for much of that time, but this meant that elephant populations were under increasing pressure. During the late 19th and early 20th centuries an estimated 800-1000 tonnes were exported annually to Europe (Somerville 2013), mostly from ports such as Dar es Salaam and Mombasa. As this was considered licit activity at the time,

both hunters and middlemen were generously rewarded. But following the increased demand, wildlife populations have consequently been drastically reduced. One need only to look at periods when world demand was high while ivory trade was still legal to see the impacts on the wildlife population. The African elephant population was cut from approximately 1.3 million to 600 000 between 1979 and 1989. Although some argue that habitat loss was to blame for this, the primary threat was the international ivory trade. In Kenya alone the 167,000 elephants that roamed the country in 1970 were reduced to fewer than 20,000 in 1989. Informal international markets grew, effectively assisted by ethnic connections across borders enabling smooth smuggling and trade (Warchol *et al.* 2003). Despite a CITES ban on ivory trade in 1989, recent years have been marked by an upsurge in poaching and, interestingly, a growing link between ivory poaching and African insurgency movements and armies (Somerville 2013). The involvement of guerrilla groups, rebel groups and local militias in poaching is a clear problem in Central Africa. There is in fact evidence that national armies such as the Ugandan army and the South Sudanese are also involved in poaching operations. Both sides have taken advantage of ivory poaching for their own funding purposes (Gettleman 2012; Somerville 2013).

However, local insurgencies and combat zones account for only a small part of the poaching numbers. A significant part of poached ivory is trafficked to East Asia. Countries such as China, Vietnam and Thailand have recently experienced an economic boom, which has triggered the demand for lucrative commodities such as ivory and rhino horn. Chinese businesses and interests in Africa are widespread and well established, and this makes provision for good, relatively risk-free trading routes of illegal commodities and natural resources. In China, apparently, the medicinal use of rhino horn has existed for at least 1,800 years and is also found mentioned in the first book of Chinese herbal medicine, namely *Shennong's Classic of Materia Medica* (Graham-Rowe 2011). The demand for the rhino horn was weak, however, because of its high cost. Some suggest that illegal traders wanting to stimulate the market by persuading buyers of its remarkable value encouraged the belief in rhino horn as an efficient cure for cancer. Moreover, economic growth in China allowed more buyers into the market. Prohibiting trade and use of specific animals parts does not seem to be having a significant impact on the continuing poaching, which proves that demand must be curbed through further creation of awareness. By placing the use of rhino horn in the sphere of socially unacceptable acts, one can do far more than trying to limit supply, while demand is still high. This will merely push prices up (Graham-Rowe 2011). Demand reduction is challenging, however, as use of animal parts has deep historical and cultural roots.

3.3.1 South African involvement in wildlife trade

It is essential that the history of the illicit wildlife trade in South Africa be properly understood: “South Africa’s policy of destabilisation of neighbouring countries was closely associated with the rise of South Africa as a leading middleman in the international ivory trade” (Ellis 1994:53). Examining the history of ivory and rhino trade reveals many interesting and important details about how the trading routes were established and who were the participants. Ellis suggests that parts of the South African Defence Force (SADF) were deeply involved in the trade in ivory, rhino horn and other commodities during the late 1970s and 1980s. Furthermore, a strong conservationist lobby, including leading (Afrikaner) businessmen, had great influence in the WWF. Perhaps they also had a say in what should be focused on in reports on illegal trade, or rather what not to concentrate on. This will remain speculation, but it is worth noting that market forces and economic interests do indeed triumph over ideology in many circumstances (Ellis 1994).

Links between ivory poaching and the militias and rebel groups are seen throughout history. For instance, during the South African special forces’ involvement in Zimbabwe (then Rhodesia), backing the white minority government against opposition groups led by ZANU and ZAPU, an ivory trade was established. South African intelligence officers organised this trade from Rhodesia to South Africa in the late 1960s and 1970s. According to Ellis, poaching and selling of ivory was promoted by South African Military Intelligence as part-payment for their financial support to the infamous Selous Scouts, a part of the Rhodesian army (Somerville 2013).

Similarly, both UNITA in Angola and Renamo in Mozambique were actively participating in the poaching of elephants and exporting of ivory during the 1970s and 1980s. Again, South African Military Intelligence stood behind the organisation of trading routes, commonly through Pretoria and then out of South Africa. Many members of South Africa’s special forces had specific experience and training as wardens, hunters and were linked to game parks and wildlife business; they were thus trained for bush combat, assisting Renamo and UNITA in building well-functioning wildlife trading operations. The revenues generated from these activities and international sales contributed to the destabilisation of the Southern African frontline states. However, a great deal of the money found its way directly into the pockets of South African officers (Ellis 1994; Somerville 2013).

While South Africa is one of the countries most seriously affected in terms of wildlife loss to poaching, it is also an important transit country for illicit trade of wildlife and wildlife products. Hence, much of the illegally poached ivory and rhino horn that is confiscated in South Africa in fact originates in other African countries. South Africa's geographic location, good roads, international airports and several remote airstrips and seaports offer good opportunities for smuggling out of the continent and make South Africa among the most important transit countries in the illegal wildlife trade (Warchol *et al.* 2003).

3.3.2 Wildlife conservation in Africa

Sports hunting was quite common among colonisers during the 19th century. Tensions developed between local subsistence hunters and the colonial hunters when the latter attempted to acquire a monopoly over game resources. The colonial empires established game reserves in the late 1800s in an attempt to conserve wildlife, though the motivation was to preserve wildlife populations for further sports hunting. However, conservation practices in the late 19th and early 20th century did change, driven by a concern about extinction among several species. Moreover, as interest in ecology, natural history, zoology, botany and evolution emerged, conservation became a high priority (Milliken & Shaw 2012).

In many parts of Africa, especially in South Africa, the protected areas and national parks around that were founded were initiated and controlled by the white population. In Southern Africa many wildlife and resource-rich areas were converted into private land and parks, which meant that many African villagers had to move to less resource-rich, often waterless, areas. The primary threat to wildlife and forests was then believed to come from local people, and parks were subsequently monitored and policed. In order to prevent 'damaging' use of the environment by local people, they were often excluded from such areas. This often created grievances among people who lost land and crops as a result of the protective measures (Jones 2006). Community-based conservation was later introduced, where the focus was on local participation resulting in development. Community conservation is broadly accepted as the leading approach today and is viewed as involving "those principles and practices that argue that conservation goals should be pursued by strategies that emphasise the role of local residents in decision-making about natural resources" (Adams & Hulme 1998:9).

3.4 The rhino poaching crisis in South Africa

In 1977 the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)⁷ decided to move all rhino species up to Appendix 1,⁸ among the most endangered animals and plants, threatened by extinction. Although this implied a ban in international trade in rhino products, the number of black rhinos in Africa dropped from 50,000 in the late 1970s to less than 5,000 and led to a growing black market as demand remained high (Sharife 2013). Trade in wildlife is regulated internationally by CITES, while domestically each country is responsible for legislation to monitor and control the trade. While many countries are deeply challenged by poaching incidents and exhaustion of rhino populations, South Africa still has the largest population of rhinos in the world, which makes conservation a highly political and current issue in South African policy making and legislation, also receiving much international attention. Numbers from 2013 showed that the country was home to 83% of Africa's rhinos and nearly three quarters of the total world population (Milliken & Shaw 2012). It is therefore natural to look at South Africa, one of the most biologically diverse countries globally, when reviewing the rhino poaching crisis, as numbers demonstrate the country is under severe pressure when it comes to preserving valuable wildlife. Looking at 2014 numbers, when 1,215 rhinos were poached, the implication is that a rhino was killed every 8 hours. The possibility of extinction is real. As the organisation Save the Rhino states: if the numbers continue to follow this trend, rhino deaths will ultimately overtake births in 2016-2018 (Save the Rhino 2015).

It is difficult to find the cause of the continued rise in rhino poaching incidents with one variable only. It is likely that a combination of several coinciding factors can better explain the crisis. First of all, there has been an increase in demand as well as peoples' ability to pay for rhino horn. Parts of East Asia have experienced great economic growth, which results in increased purchasing power, and 'new' customers now have the ability to enter the rhino horn market, which was previously open to only a certain elite. While rhino populations were abundant in both Africa and Asia at the start of the 20th century, the world is experiencing a rapid decline in rhino numbers. In 2011 the International Union for Conservation of Nature (IUCN) declared the Western black rhino extinct, but currently all rhino species are on the IUCN

⁷ CITES was established in 1975 as a response to the increased threat of extinction of endangered species and habitat.

⁸ Appendices I, II and III to the Convention are lists of species afforded different levels or types of protection from over-exploitation, with I being the highest. [right?]

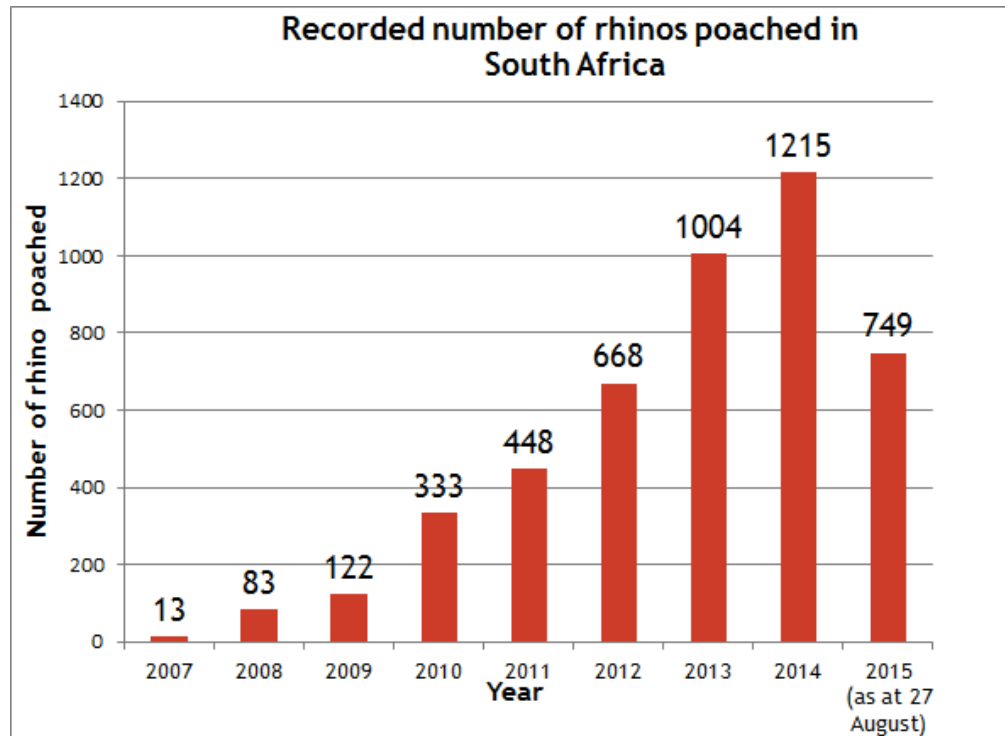
Redlist.⁹ The main cause of extinction is reported to be illegal killing. Three of the five remaining species are identified as critically endangered (Save the Rhino 2015).

The surging demand in East Asia, globalisation and economic growth are the primary factors driving the illegal trade. Most rhino products end up in East Asia, where China and specifically Vietnam have been identified as the largest consumer countries of rhino horn. The impact of the steep increase in demand for rhino horn from Asia is strongly felt in South Africa. Although the white rhino was placed on the Appendix 2 listing of CITES in 1994, there was a special exemption for regulated sports hunting, which enabled international export of hunting trophies. This industry soon saw an rise in hunters from Asia taking part in trophy hunting. Moreover, armed robberies and theft increasingly hit stockpiles on game reserves and museums in South Africa, a trend that also followed in Europe and the USA. And, naturally, poaching incidents have skyrocketed to uncontrollably high levels (Milliken & Shaw 2012).

The actual organisation and transportation of the horn out of South Africa is commonly handled by organised crime syndicates, which have developed sophisticated ways of controlling effective poaching operations by supplying local poachers with sufficient weapons and equipment. It is also likely that the criminal networks have significant ties to politicians and national officials, which complicates the issue further (Somerville 2012). Moreover, the rhino horn is considered easier to remove and transport compared to ivory. The actual removal of the horn takes only minutes, and the weight of a horn is only about 4 kilos. Hence, a poacher can easily carry multiple horns in his backpack while running. In the event that a ranger hears a shot at all, there is little chance he will reach the site before the poachers have already cut off the horn and are far on their way, as this task is quickly done (Somerville 2012).

Figure 2: Data published by the South African Department of Environmental Affairs (DEA) clearly demonstrates the steep increase in rhino poaching during recent years.

⁹ The IUCN Redlist provides information on population size and trends, geographic range and habitat needs.



3.4.1 Arrests and penalties

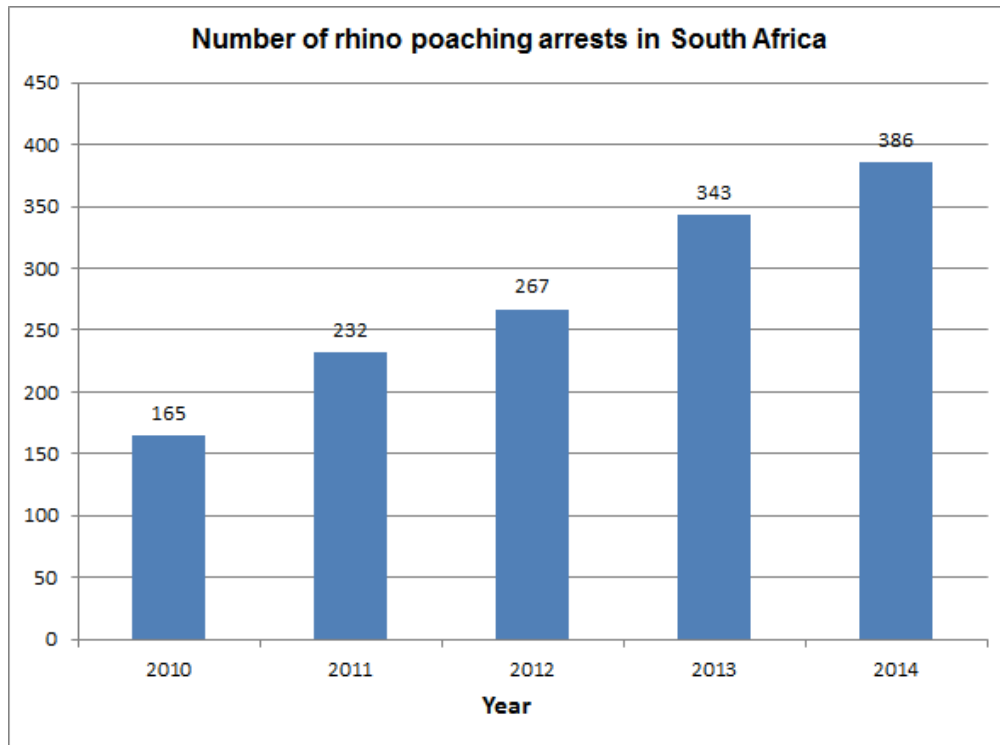
Poaching is difficult to detect, which makes it difficult to know the scale of illegal killing and the number of poachers operating. Adding to the complexity of the issue is the fact that poaching has, compared to other crimes, been viewed as merely a folk crime and its far-reaching consequences not taken into account. Law enforcement varies between the different countries, which hampers efficient responses. Especially in transfrontier parks such as the Kruger National Park it is problematic that not all the bordering countries implement the same regulations. Hence, punishment is imposed accordingly, as poaching is regarded as less serious than other offences (Eliason 1999). This has also been noted as being the case particularly in Mozambique, where wildlife legislation and law enforcement is much weaker than in SA (Lunstrum 2014).

Arrests do not always result in convictions. In fact, very few people are punished for poaching-related crimes. Reviewing the various arrests and nationalities of those detained can reveal interesting information about the industry. For instance, in 2012 the Wildlife Extra site claimed that 90 per cent of white suspects linked to poaching since 2006 were granted bail, a fifth were veterinarians, another fifth professional hunters, 17 per cent safari operators, 17 per cent were repeat offenders and 72 per cent were

employed by or connected with private game farms. Of those charged, 14 per cent never showed up in court, 17 per cent have disappeared and two people had been publicly lobbying for the legalisation of the rhino trade (Somerville 2012). The impunity of many elites from prosecution has unfortunately been a tendency in many African countries. Combined with the continuing links to organised crime, this weakens citizens' trust in democratic institutions and specifically law enforcement (Shaw & Reitano 2013).

While anti-poaching operations are increasingly using more advanced methods and better equipment, poachers are often one step ahead, better equipped and have better logistic capacity than law-enforcement officers (Warchol *et al.* 2003; Ndhlovu 2003). Although law enforcement plays a significant role of curbing the illegal rhino trade, the issue is multifaceted and needs approaches that take this into consideration. NGOs point to the importance of ongoing anti-poaching and monitoring patrols, community conservation and environmental education schemes, captive breeding, translocations and demand reduction projects in Asia (Save the Rhino 2015).

Figure 3: Figures from the South African Department of Environmental Affairs show an increase in rhino poaching arrests.



Recognising that a significant part of the problem is demand, one must not neglect the responsibility that lies with supply and transit countries. Mozambique has, for instance, received much attention and been warned for failing to address the issue and realising the gravity of the crisis and the country's role in it. Much of the criticism is rooted in concerns that the country views illegal activity linked to rhino poaching less seriously (Marshall 2013). Attention must be directed towards how general sentiments and attitudes towards poaching vary. An example from an article on Save the Rhino International's website shows how a captured poacher in Zambia could potentially be sentenced up to 20 years, while the punishment in Kenya could be a small fine. Moreover, proving guilt is difficult, especially if a crime is prevented and a person is caught before an actual occurrence. (Adams 2012). In order to achieve a coherent response in the battle against rhino extinction and organised crime, governments and civil society in the countries affected must further develop a platform and legal framework that is based on a common foundation and mutual goals. This is a matter specifically challenging for the Kruger Park, as differing policies in the bordering countries complicate efficient sanctioning and penalties. It is unquestionably a problem that it is perceived as a misdemeanour in some countries, but a serious violation in others (Eliason 2008:29).

3.4.2 The poachers

Somerville (2013) notes that during the 1960s, 70s and 80s poaching was commonly done by local impoverished people located near conservation areas, as they lacked economic opportunities or experienced loss of land to parks. The poachers would sell ivory to middlemen for a relatively low price and these middlemen would organise the export of the ivory often with help and cover from officials in return for a bribe or a percentage of the profits made. However, the scale of poaching operations has clearly intensified and changed since then – from killing an elephant here and there to wiping out complete herds of elephants and taking their tusks, smuggling them across porous borders and shipping them out of the continent. CITES assumes much of the ivory poached in West and Central Africa in particular is used to fund local insurgencies, where it is traded in for money, ammunition and weapons. During the early 1990s it was often reported that conservation officers in the Sudan, Kenya, Mozambique and Namibia frequently met poachers who made use of money from ivory, rhino horn and bushmeat to fund ongoing political and military activities. Poaching numbers are commonly boosted during civil wars, when governments struggle to patrol borders and protect natural resources. This was the case in Angola during the civil war, where poaching by opportunistic exploiters was intensified (Warchol *et al.* 2003). Furthermore, illegal trading and selling of horns and tusks seemingly also funded terrorist groups such as Al-Shabaab, which has led to a militarisation in the war on poaching as the issue has become a clear national security concern (Stiles 2013).

Thus, the ivory and rhino horn helps sustain conflict groups. Rangers are struggling to protect wildlife in conflict areas, where both national armies and rebel groups operate, because of safety issues as well as being short on resources and manpower. In addition, more and more rangers are reporting mass killings all at once from a single helicopter operation – quickly and efficiently, they can both kill from the helicopter and fly the ivory or rhino horn out in no time, compared to having to carry it out of the park, with a higher risk of being tracked. An example of such an incident is the mass killing of 22 elephants in a single attack in the Garamba National Park in the Democratic Republic of Congo in April 2012 (Gettleman 2012).

In 2003 Warchol *et al.* (2003) described the typical poacher in South Africa as an individual opportunist with economic motivations. Poachers included both white and black South Africans and foreigners with lower to upper-middle income and various levels of education. “Poachers include people who live near the game reserves, farmers, fishermen in the Cape, pet shop owners, private game farm and zoo owners,

tourists, animal and plant collectors, and landscape nursery owners” (Warchol *et al.* 2003:16-17). Moreover, the general sentiment among those interviewed was that poachers often started out driven by need, which ultimately turned into greed. ‘Need’ in this context could be culturally rooted in a view of wildlife as a resource for harvesting, the desire to add a specific animal to a collection, sustenance, profit or the experienced need to eliminate animals that threaten a farm or crops. It was noted that the level of organisation among poachers at that time was limited. However, there is much reason to believe that these characteristics of poachers and their motivation are outdated today (Warchol *et al.* 2003).

Nevertheless, although ‘poor’ locals are paid generously for their execution of tasks linked to the actual killing of illegal wildlife, they are not the only ones committing these crimes. Safari guides, rangers, vets, tour operators and professional hunters have all been linked to poaching, either doing the killing themselves or assisting organised criminal groups with veterinary tranquilisers or protecting their cover. Hence, the actors involved range from opportunistic poachers to guerrilla groups to military units, all ultimately linked to organised criminal syndicates. Revenues from poaching and trafficking are used both for personal profit and to fund military operations. Their involvement paints a dark picture of the phenomenon and proves how intricate the poaching crisis is, as it cannot merely be explained by poverty, economic opportunities and a way of survival, but also by greed (Venter 2003; Warchol *et al.* 2003).

One can divide the networks connected to the rhino supply chain into three categories, characterised by what they do: harvesting networks, theft networks and distribution networks (Ayling 2012:5-6). The activities are also popularly described by identifying the initial supplier, the traffickers and the end users/consumers. The literature on the motivation of poachers can easily be placed into an economic category as it is argued that most of the initial suppliers are profit-driven. When discussing such a sensitive issue, it is difficult to find sufficient arguments supporting the view that poachers are merely occupied with sustenance. Many poachers are opportunistic individuals, but it would be a huge mistake to ignore the fact that much of this activity is well organised by cross-border criminal establishments. The advancement in methods and equipment now utilised (in what now can be called operations) point to involvement by powerful forces both domestically (within the borders of the supply country) and internationally (Warchol *et al.* 2003).

3.4.3 Participation from East Asia

In a 2011 article for the *Sunday Times* Daniel Foggo and Simon Parry reported that China had established the first ever rhino farms in order to cater for the growing demand for rhino horn used in traditional Chinese medicine. The horns are chopped off, allowed to grow and then harvested again. Despite the fact that rhino horn has been proven to have no medicinal value, the horn, which consists mostly of keratin such as found in human fingernails and hair, is believed to cure a whole range of diseases and discomforts from hangovers to cancer. Because of its high price, it is also used as a status symbol for wealthy individuals and as an aphrodisiac. In addition to its on-going illegal trade in rhino horn, China supposedly imported rhinos from Africa to stock these rhino farms (Foggo & Parry 2011).

CITES can point to 151 rhinos imported to China from South Africa between 2000 and 2009, claimed to be brought into zoos for breeding and for educational purposes. However, there is evidence that at least part of the reason they are imported is for commercial use of the rhino horn. Examples were found on company websites, such as the Longhui Pharmaceutical, which openly advertised their horn-shaving technology. Many conservationists are very concerned about this so-called rhino farming, as it provides supply, sustains demand, reinforces ideas of rhino horn value, and undermines important conservation work struggling to curb the demand and raise awareness. In addition, it is unlikely that this supply will sufficiently saturate the market, which means that illegal poaching will continue and ultimately drain wildlife (Foggo & Parry 2011).

A 2009 report for TRAFFIC reveals the inconsistency between the reported number of South African rhino horns going to Vietnam and the number of reported imports into Vietnam from South Africa. According to CITES, 87% of the South African trade seems to have been undeclared at importation. “Unsurrendered permits were allegedly re-used (until their eventual expiration) to accompany additional shipments of rhino horns acquired through illegal means” (Milliken, Emslie & Tulakdar 2009:8).

The actual transportation and smuggling of wildlife trade is relatively easy. The porous borders, corruption, international airports and seaports enable illegal wildlife trade. Johannesburg and Durban are particularly used. The involvement of Chinese triads has been revealed through interviews, but it is difficult to collect data supporting this (Warchol *et al.* 2003). Most illegal wildlife products are smuggled mixed with other products to make them difficult to identify in scans. However, customs officers at the

Johannesburg International Airport claimed that if they searched aggressively, they would find contraband on every single flight to Asia. Rhino horn is often found in powder form in small containers, very difficult to detect under baggage screening. More worrying is the fact that confessions by buyers who have been arrested on charges related to the wildlife trade have pointed to the frequency of diplomats from Asia and the Middle East being linked to the trade. Commonly, they would smuggle illegal products through security with impunity as they were not searched by customs officers. Rhino horn can easily be carried in the hand luggage, often covered in toothpaste, shampoo or other products to hide the smell (Warchol *et al.* 2003; Rademeyer 2012).

In South Africa it is still possible to get permits for rhino hunts. This is also a highly contested issue. It is well defended and justified by the fact that the hunting industry generates significant revenues, which can be put back into conservation, contributing to sustainable rhino growth (Waterworth 2012). For instance, the number of white rhinos in South Africa did in fact increase after sports hunting resumed in 1968; the number was then as low as 1,800 in the whole country. However, many manage to find loopholes in the legislation and exploit them. Private farms that allow trophy hunting have experienced a boost in Vietnamese nationals interested in rhino hunt. Permits and licenses are easily abused, and it is difficult to monitor whether rhino horn is taken out of the country for private or commercial reasons (Milliken & Shaw 2012; Carnie 2013; Milliken *et al.* 2009). These hunters were often reported to lack the necessary experience and skills to make the best decisions while hunting in terms of sustainability, and they did not hesitate to shoot young female rhinos. This naturally has a negative impact on population growth. Similar findings have been exposed by South African investigations. Vietnamese nationals have repeatedly been involved in trophy hunting, often on the game farms, where they have willingly paid above market prices for rhino hunts, but then had to be instructed how to shoot and use weapons. Furthermore, there were incidents where rhino trophy export permits were issued to Vietnamese nationals who had previously been identified in ongoing rhino crime investigations. There is also evidence of personnel or vehicles from the Vietnamese Embassy being involved in the illegal procurement and movement of rhino horns within and out of South Africa. Some have resisted arrest based on “diplomatic immunity”. Both men and women of Vietnamese origin have been caught with illegal possession of rhino horns (Milliken *et al.* 2009).

In the *New York Times* in September 2012 Jeffrey Gettleman claimed that “there is growing evidence that poaching increases in elephant-rich areas where Chinese construction workers are building roads”

(Gettleman 2012). Moreover he problematises African states' desperation for investment and infrastructural development, which China eagerly provides to recipient countries without further political or other strings attached. The dependency on economic development created by Chinese investment leads to reluctance among African states to put pressure the on Chinese government with regards to the exploitation of natural resources, poaching, and theft of ivory and rhino horn. In addition, this lucrative business indicates that smuggling and poaching activities are deeply assisted by organised crime and political corruption. Rhino as well as ivory trade depends greatly on and is commonly associated with political corruption, meaning there is much interest on both sides in sustaining and supporting current exports. The current market prices alone explain the interest from individuals wanting a piece of the cake (Somerville 2012 and 2013).

3.4.4 The Kruger National Park

The Kruger National Park (KNP) was founded in 1898 and covers about 2 million hectares. It is located in the north-east of South Africa and, as it is also a part of the Great Limpopo Transfrontier Park (GLTP), it is connected to the Gonarezhou National Park in Zimbabwe and the Limpopo National Park in Mozambique. The eastern boundary of the KNP is the South Africa-Mozambique border. It is home to over half of the living black and white rhino, making it the most important place of rhino conservation in the world. Of the 1,215 rhinos poached in 2014, 672 of the incidents were in the KNP. The rhino is a one of 'the big five' along with the buffalo, elephant, lion and leopard. Spotting the big five is known to be the ultimate goal for many tourists visiting the KNP. As countries rely on revenue from the tourism sector, loss in wildlife and in particular the possibility of rhino extinction could have deep implications for the national economy (Lunstrum 2014; and TRAFFIC 2015).

The Kruger National Park is by far the hardest hit by rhino poachers. Rangers working in the park assume there are about 12-15 groups of poachers functioning in the park at all times. These groups commonly consist of around three people, heavily armed, sometimes equipped with silencers to reduce the risk of being heard and caught. The KNP is surrounded by poor communities located along the reserve's fence from which syndicates easily recruit new poachers. There are few alternative employment opportunities in the area and certainly not many jobs that can compete with the generous payment offered by poachers. The recruitment is also enabled by long-lasting grievances among some within the nearby communities towards the dispossession caused by conservation. Hence, the poachers caught are also easily replaced if they were to be arrested. In addition, cattle herders in the area often act as "scouts", who report to

poachers when they spot a rhino or raise the alarm if they see a ranger (Lunstrum 2014; Crawford 2015a). Discontent within the surrounding population was deepened following the formation of the GLTP, where Mozambican communities specifically were relocated. It is believed that more than 80% of the poachers in KNP come from Mozambique (Lunstrum 2014; Ramsay 2014; Crawford 2015b). Many of the Mozambican poachers are already skilled at the time of recruitment because of their earlier participation in the civil war (1977-1992), or they have current commitments to some sort of military service, including the Mozambican Army or Border Patrol (Lunstrum 2014).

In an article on Mozambican communities, from where many poachers operating in the KNP are recruited, Russell (2015) reports that approximately 220 Mozambican poachers have been killed by anti-poaching units in the KNP since 2008. Yet the profits are so high compared to the actual risk that many young people talk of saving up for a gun to kill rhino so that they can pursue their dreams. For many hunting is the solution to poverty and lack of economic opportunities; for others it is a short route to getting rich. Catching the poachers is one thing, but as they are easily replaced, the real challenge is to find the middlemen and big bosses. These kingpins are well connected and difficult to link to the actual trade, as they do not get their hands dirty. Corruption through bribes and deals complicate the punishment of individuals involved – many who have been arrested and sentences are later let out for a fine. Rangers also report that they frequently confiscate rifles, hand them over to the police, only to find the same arms circulating in a subsequent raid (Russell 2015; Ramsay 2014).

Although bilateral agreements are in place between Mozambique and South Africa, an extradition treaty is yet to be signed. The rhino horn that is transported out of South Africa entering Mozambique is in most cases lost forever as it is also quickly shipped out of Mozambique. Mozambique has, however, lately ramped up its task forces and new regulations have finally made poaching and rhino horn trafficking a crime (Russell 2015).

Monitoring and policing an area the size of Israel is challenging. The anti-poaching team now has four helicopters to operate, good night vision equipment and use a paramilitary approach with an improved K9' dog unit to counter poaching. Moreover, more and more rhinos are being transferred out of the park to private game reserves and secret locations in the hope of protecting them from illegal hunting and stealing of horns. Experienced poachers are very hard to catch, as they can hack off a horn within minutes

and be far away when rangers reach the site. However, considering the size of the park, poachers carrying rhino horns may spend days in the park before they reach the fence and manage to escape. Thus, the response team in the KNP with help from the dog unit work tirelessly to track down poachers (Crawford 2015a).

Reports on newly orphaned baby rhinos are frequent. These rhinos are normally brought to an orphanage, where they are taken care of with the aim of reintroducing them into the reserve in the future. There are several elements which make the KNP difficult to patrol. Its size implies that crossing from east to west would take up to 3 days and the landscape varies from very dense vegetation and thick forest to rocky mountains. This terrain makes it easy for poachers to move in and out of the park without being detected. These contributing factors along with a porous international border call for military responses. Several hundred South African National Defence Force (SANDF) troops are now positioned to monitor the border and the Kruger Park in general (Lunstrum 2014).

3.5 Human risks in the poaching war

The war against poachers has undoubtedly intensified and also become more dangerous for rangers and anti-poaching units, who risk their lives every day. Over 1,000 rangers have lost their lives on duty during the past 10 years in conservation work, making illegal wildlife trade increasingly a human security risk (IUCN 2014). It is no exaggeration to refer to the ongoing anti-poaching operations as part of a war. Indeed, many are killed in direct confrontations between poachers and rangers, often involving heavy armoury and helicopters. In October 2015 four rangers were reportedly killed in Garamba National Park in the DRC following a 10-member patrol team tracking an elephant's collar straight to a poachers' campsite. Gunfire erupted between the two groups, leading to a helicopter being deployed by African Parks to rescue the outnumbered Garamba team. However, fire was directed at the helicopter, preventing it from rescuing all members; ultimately four men were found dead when a reinforced patrol team finally managed to enter the area again (The Telegraph 2015).

In the two-part documentary *Poaching Wars with Tom Hardy* Miles Lappeman draws this picture of poachers: "In their field and in the bush, equivalent to Navy Seals and SAS operatives. They're not poachers, they're rhino assassins" (*Poaching Wars* 2013). This sentiment is widely shared amongst conservationists, who are in no doubt that this lucrative business is highly organised by sophisticated

criminal syndicates. The rangers and military operations and forces that are now in place to fight poachers have lately been forced to equip themselves with heavy arms if they are to stand any chance against the ‘enemy’. The situation has moved beyond tragic and one can unfortunately say with certainty there is an ongoing war in the bush. For all those involved this can be fatal. Poachers do not hesitate to fire upon and kill those who come in their way. This is understandable, as the potential gain from selling the horn is extremely high and can be the equivalent of 10 years’ salary for some (*Poaching Wars* 2013). This has led to a debate among conservationists around a ‘shoot to kill’ policy, where some argue this is necessary for appropriate deterrence and that there is no way around it. In fact, it is actually encouraged in many parks, which has, for instance, led to the BBC Wildlife Fund retreating from a project they were supporting (Adams 2012).

Vincent Barkes, an anti-poaching specialist, expresses concern and sadness around the fact that young South Africans are now trained to kill using automatic rifles in order to combat poachers (Adams 2012; *Poaching Wars* 2013). Individuals involved on both sides of the poaching wars risk their lives. Sometimes the scene is so chaotic that one stands a chance of being hit by an allied force. Ranger Andrew Desmet was severely injured during an anti-poaching raid in October 2015. On a mission leading a group of soldiers towards a group of poachers, he was shot by someone from his own party who had made a poor judgement with an automatic weapon from 13 metres behind him (Crawford 2015b). It is quite evident that the crisis also concerns human security.

An interview conducted by Elisabeth Lunstrum in 2012 with a senior ranger painted a picture of the danger for humans involved more clearly, shedding light on the need for militarised responses:

[Poachers have] come in with AK-47s, the well-known AK-47. ...[W]e know from having spoken to some of the poachers [that] those AK-47s are [there to be used against us]. ...We arrested one [poacher] with a hand grenade in his possession. You don’t poach rhinos with a hand grenade. We’ve arrested a number of them with pistols. You don’t shoot rhinos with pistols. So, yes, there’s huge danger involved for our rangers, our field staff. And that is why we go to huge trouble, ongoing [efforts] to train and retrain our staff members in that regard. And we’re talking military doctrines, dash down, crawl, observe fire... [Recently we] picked up an RPG-7 rocket grenade. What do you think? You don’t poach rhinos with that either (Lunstrum 2014:822).

3.6 Conclusion

This chapter has demonstrated that South Africa indeed evinces many of the characteristics mentioned in the previous chapter with regards to factors which enable organised crime to grow. It has further highlighted that South Africa has a long history in commercialised wildlife trade and how the poaching has transformed into large-scale sophisticated operations with extensive foreign participation. Furthermore, the case of the Kruger National Park is presented and offers insight into the challenges that this park in particular faces because of its geographical location, international borders and being home to the largest rhino populations in the world. The next chapter will discuss South African and international responses to tackle wildlife crime.

Chapter 4

4 South African approaches to wildlife crime, international responses and challenges in the light of International Relations theory

Despite increased awareness and an international focus on the far-reaching implications of wildlife crime, many responses seem to have little effect in terms of curbing demand and supply in the wildlife trafficking chain. In order to comprehend the scope of the wildlife crime issue it is useful to review both domestic and international responses to fight the illegal wildlife trade and explore why it is so hard to combat. This chapter will address exactly those questions and also pick up the thread of the relevance of IR theory.

4.1 South Africa's responses to increasing rhino poaching

The South African state has initiated a number of efforts responding to rhino poaching including partnerships with end-user countries in Asia with the aim of decreasing demand; talks with Mozambique encouraging stronger anti-poaching approaches; and awareness programmes targeting communities within South Africa with the aim of limiting involvement in IWT (Lunstrum 2014). In order to combat poaching in South Africa several anti-poaching units have been formed. In the Kruger National Park there is also significant support for operations by special force units and army units from the South Africa Defence Force (SANDF). Again, this proves the level of sophistication within illegal poaching networks, where they can only truly be challenged by specially trained units with advanced equipment and methods. Regardless of regular army patrols and helicopter support, poaching continues. There is reason to believe that involvement from insiders occurs quite often. This has been a deep concern, particularly in the KNP. The problem is likely to be rooted in the grievances of park staff as well as more general poverty and greed. An insatiable market offers fast cash for those who decide to get involved. Further complicating the issue is corruption and high turnover within police leadership. Perhaps the most worrying are the connections between organised crime and government ministers, officials and politicians (Somerville 2012). Army personnel have been deployed along the border between Kruger National Park and Mozambique in an attempt to better monitor and control the transport of rhino horn into Mozambique, where escape is easier and punishment less severe (Shaw 2011).

The South African Department of Environmental Affairs has brought into effect several legislative measures. For instance, a National Moratorium on rhino horn sales was introduced in 2008 in an attempt to hinder domestic sales from traveling further into the illegal international market. In 2009 directives on the marking of rhino horn and on trophy-hunted white rhino were initiated in order to eliminate rhino horn outflow from South Africa. These regulations were revised and improved in 2011 to eliminate any loopholes identified. Another approach is dehorning rhinos in an attempt to protect them against poachers. This is mostly supported and done by private owners. They have also been known to be innovative by introducing dye or poison into the horns. However, these methods are not without risks and imply huge costs if they were to be introduced in the large conservation areas (Milliken & Shaw 2012).

International renowned and influential actors, such as CITES, World Wildlife Fund for Nature (WWF) and International Criminal Police Organisation (INTERPOL), United Nations Office on Drugs and Crime (UNODC), to name a few, are working hard to assist governments in implementation, raising awareness as well as pushing for international legislation and signing of agreements by governments to combat rhino poaching. In addition to these, there are countless organisations and websites which have as their mission to spread news and consciousness about the issue as well as raising money to aid rangers and personnel, who struggle every day to combat poachers.¹⁰ These initiatives and movements of activists generally have the same vision, goal and focus, but vary in how they wish to meet the challenges. Despite being a good sign of general sentiment in favour of protecting the rhino, perhaps full support should be directed at a couple of initiatives rather than many in order to best streamline the work being done (Marshall 2013). As Jo Shaw (2011) notes: “with over 150 organizations now actively involved in their own efforts to address this problem, there is concern over lack of integration and duplication of effort, when what is needed is a strategic response.” While saving the rhino is a widespread concern among many South Africans, the frequency and number of organisations with the same aim in fact slow down processes (Save the Rhino 2012: 5). Domestic forces apart from organisations are also quite active. For instance, a political party, the Democratic Alliance (DA), is pushing to declare a national crisis in the hope of accessing the crisis fund in order to finally pool all means and get on top of the situation (Wenger 2013).

¹⁰ Save the Rhino, Stop Rhino Poaching, International Rhino Foundation, SOS Rhino, World Rhino Day, Helping Rhinos, Unite Against Poaching, RhiNOremedy, Reserve Protection Agency, Native Escapes, If They're Gone, Rhino Ark, International Anti-Poaching Foundation, Protrack Anti-Poaching Unit, Fair Game, Megamani Anti-Poaching, Children for Africa, Saving Private Rhino, amongst many others.

In Cape Town in 2012 the Portfolio Committee on Water and Environmental Affairs hosted a parliamentary hearing where rhino poaching was on the agenda. Both individuals, government representatives and NGOs attended and contributed to the meeting. Several areas were identified as in need of improvement such as communication and cooperation between various government sectors and better authorisation and monitoring systems for rhinos and rhino horn stockpiles. Additionally, there was broad agreement on the need for more arrests, prosecutions and tougher sentencing, and a push for required imprisonment for rhino crimes. Although recognising the difficulties in implementing these steps satisfactorily because of lack of capacity, the meeting mainly revolved around the issue of legalisation on the international rhino horn trade (Taylor, Brebner, Coetzee, Davies-Mostert, Lindsay, Shaw, Sas-Rolfes 2014).

4.1.1 The legalisation of the rhino horn trade and legal hunting

There is also an on-going discussion on whether legalisation of trade in rhino horn could be a solution. However, sceptics encourage caution, as it is difficult to anticipate how this will affect the market. For this to work, one must gain knowledge of how big the market actually is and foresee whether it is possible to control the demand in some way. A valid argument for the legalisation of controlled rhino horn sales is the fact that one today actually needs to kill a rhino to obtain the horn, which encourages bribery in providing hunting licenses to ‘hunters’, whereas controlled dehorning of rhinos could provide supply in an ethical and sustainable way. The removal of the horns would be painless with the help of tranquiliser and would be done regularly as the horn does grow back. Encouraging legalisation is especially favoured among private reserve owners and rhino breeders, who believe that breeding rhinos for this purpose could contribute to pushing the market prices down (Rademeyer 2012). However, opponents of this argument are strongly against any such legalisation and maintain that a legal trade will open up more loopholes and covers for the illegal market. It is also very difficult to regulate such legal markets and differentiate between illicit and licit trade. Ultimately, legalisation will also be a setback for all the awareness work done in the hope of curbing demand through information about the non-medicinal value of rhino horn and the risk of extinction. This opinion is widely shared among international and South African conservationists and campaigners against legal trade in wildlife (Rademeyer 2012; Taylor *et al.* 2014).

Interestingly, the South African Department of Environmental Affairs has announced its support for “the establishment of a well regulated international trade in rhino horn” and seeks permission “for a one-off sale of stockpiles worth around \$1 billion” in the hope of flooding the market. The minister Edna Molewa

stated this in July 2013, expecting to be proposing this at the next CITES meeting in 2016. South Africa has previously suggested similar measures for opening the trade, but they have been denied (Save the Rhino 2013a).

About 25 per cent of all Africa's rhinos are owned privately. As mentioned earlier, trophy hunting is legal in South Africa up to a certain quota. This quota is difficult to police, but is meant to be closely monitored by CITES. Any violations will be prosecuted and handled by the domestic criminal court. Legal trophy hunting creates convenient loopholes for criminal syndicates to exploit. For instance, Vietnamese criminal groups who exploited legal trophy hunting by recruiting inexperienced individuals to pose as hunters. The rhino horn, which is then on paper legally obtained, is then brought back to Vietnam and ends up in the illegal markets. The pressure from Vietnamese so-called trophy hunters hunting on private farms in South Africa was so stark that in 2012 the country responded with an official suspension of hunting permits to Vietnamese citizens. Many assert that trophy hunting should be prohibited completely, considering the current decline in the rhino population and that legal hunting only contributes to the negative numbers. However, opponents argue that private rhino owners in fact play a key role in stabilising overall rhino populations. The costs of keeping the rhino protected increase frequently, because of the risk of poaching. Loss in revenue from trophy hunting will consequently challenge the businesses of these owners. If the results are disinvestment in rhinos, because of high costs, the consequence will be less land dedicated to rhino conservation (Save the Rhino 2013).

4.2 The resilience of rhino horn networks

Shaw and Reitano (2013) claim part of the challenge in Africa is differentiating criminal networks and their operations from the various kinds of other activities such as those of warlords, insurgent groups, some political and community organisations; the literature often lumps them all together. The definition of an organised crime group is also fairly broad, contributing to the complexity of solving the issue. The result of not being able to look at one group isolated is that a state could be overwhelmed when trying to work out a response, not knowing where to place the focus. Although Wright (2011) points to a general tendency among states to disregard transnational environmental crime, the rhino horn crisis has in fact received much international and domestic attention and resistance. The rhino horn networks' strengths and sophistication is only revealed when it is sufficiently challenged by counter-strategies and has so far proved to be incredibly intricate and adaptable (Ayling 2013). While the number of incidents and the discipline characterising poachers and their networks indicate involvement from multiple criminal

organisations, only one suspected rhino horn trafficking kingpin has been exposed – the Vixay Keosavang in Laos (Rademeyer 2012). Rademeyer goes to predict that putting a stop to supply is unlikely, because many of those involved work with impunity in their own countries. This, combined with the lack of sufficient resources in local law enforcement in South Africa, paints a bleak picture of the future. Although the South African government to a large extent has acknowledged rhino poaching as a serious issue, there are other issues in society that naturally are prioritised over poaching, such as enhancing typical welfare services and addressing the high murder rate (Rademeyer 2012; Russell 2015).

The resilience of this illegal trade is largely aided by corruption on all levels of society. This is not only the case in South Africa, but the executive director of Education for Nature in Vietnam, Quyen Vu, also tells of the problematic situation many investigators face when uncovering a syndicate or exposing illegal stock. In fact, they struggle to decide to whom they should hand over the evidence, weighing local officials up against national police with regards to the chance of avoiding corrupt systems (Russell 2015). Lack of ethical standards in the justice system and among professionals in general seems to be one of many contributing factors to why wildlife crime is so resilient in South Africa. This hampers effective responses. The country is also split in terms of what is believed to be the best response and solution to the poaching crisis (Owen 2014).

In Africa, as in all parts of the world, hunting has historically played a fundamental role in people's livelihoods, related to both survival and ritual. However, the nature of the practice has changed and this is precisely why it is now threatening not only biodiversity, but also people and national security. Hunting for the thrill of it, trophy hunting, as well as the involvement of criminal networks has completely blurred the picture (Jones 2006: 484). Poaching is in many circumstances not easy to detect, which complicates the matter further as the scale of it is not known. Poaching is very often commercial and part of a lucrative industry, but can also be motivated by opportunistic individual non-economic interests, such as trophy hunting or thrill killing (Eliason 1999). Somerville points to porous borders as a significant factor challenging the fight against wildlife crime and conservation in general. He specifically mentions areas that are troubled by conflict, characterised by both sides benefiting from wildlife, corruption and near impunity from punishment among officials and politicians, making the borders difficult to police and ultimately limited political will to sort out the issue (Somerville 2013). Another factor strengthening illegal wildlife activities is the fact that the consequences of poaching and recruitment from surrounding communities are not entirely one sided. In fact, poaching revenues do not necessarily benefit only the

individual and his family, but can also spread to the rest of the community in actually raising purchasing power. Poaching money has raised living standards in many communities, giving communities that had nothing before a lifeline (Rademeyer 2012). Perhaps one of the most significant contributing factors to criminal resilience is the lack of focused effort around wildlife crime and, not least important, the lack of resources, political will and support. This existing gap and deficiency in legislative control mechanisms are rigorously taken advantage of by criminals. Insufficient international collaborative measures prove to have devastating consequences on the environment (Wilson-Wilde 2010). Moreover, as Julian Rademeyer points out, many black South Africans and Mozambicans are under the impression that anti-poaching activists ascribe more value to animals than to humans. Hence, it is clear that conservation is not yet understood as part of their national heritage (Rademeyer 2012).

4.2.1 Consequences

Wildlife crime has been viewed and treated separately from other organised criminal activity. The perceptions of wildlife crime not being as serious as the illegal trade of drugs, arms or humans has hampered crime prevention in this area and hindered progress on developing efficient responses to combat loss in biodiversity. Although the direct implications of illegal trafficking of a commodity such as arms are easier to grasp than the illegal trade of wildlife, the bigger issue is the organised crime behind it. Hence, wildlife crime exploits the same loopholes and faults in the system as any other organised crime, including money laundering, bribery and corruption. Thus, wildlife crime must not be addressed only by the environmental sector as it is a threat to society as a whole and its functioning institutions (Nellemann, Henriksen, Raxter, Ash, Mrema 2014).

Dalberg's report highlights the consequence of considering illicit trafficking in wildlife to be primarily an environmental issue. When governments downgrade the importance of the challenges linked to this industry and give the issue a lower priority, they also overlook important facts. Not only does transnational crime pose threats to the environment and sustainable wildlife on a global level, but must also be recognised as a threat towards both international and national security (Dalberg 2012:3). In analysing the results of the survey completed by several governments and international organisations, some points which highlight the implications and consequences of wildlife trafficking going beyond the extinction of species stood out:

- Illicit wildlife trafficking compromises the security of countries;
- Illicit wildlife trafficking hinders sustainable social and economic development;
- Illicit wildlife trafficking destroys natural wealth;
- Illicit wildlife trafficking poses risks to global health.

The far-reaching consequences of wildlife crime are being increasingly recognised by the international community and high political institutions. For instance, the United Nations has been concerned about IWT as a threat to stability and security, a view pushed forward by Secretary-General Ban Ki-moon: “The environmental, economic and social consequences of wildlife crime are profound. Of particular concern are the implications of illicit trafficking for peace and security in a number of countries where organised crime, insurgency and terrorism are often closely linked” (cited in UNEP 2014: para. 3). The negative impacts on economic development by reinforcing corruption and undermining law enforcement have received increased attention by heads of state and world leaders along with celebrities. This has also been debated on the regional level, including Africa Security Summit, the APEC Leaders Meeting and the European Union. There is growing recognition that the issue goes beyond environmental concerns (UNEP 2014).

A huge part of the discussions on the issue and how to tackle it revolves around where the blame is to be placed and where the biggest responsibility lies, whether it is in consumer countries with high demand or the supply countries. It is important to gain an overview and map out the trading routes as well as which countries – and more importantly which criminal syndicates – are involved. However, the most important goal must be to achieve a common understanding and incentive among all parties involved as to why conservation is important. The big challenge here is to enhance collaboration, accountability and coordination, which is evidently is not at a sufficiently high level at this point, considering the continued and rapid intensification in poaching (Miraglia *et al.* 2012).

4.3 International institutions and state responsibility

In 2012 WWF released a scorecard evaluating the compliance, enforcement and progress of several key

countries clearly linked to the illegal wildlife trade chain,¹¹ including 1) supply/origin, 2) transit and origin, 3) demand/destination countries. The scorecard revealed South Africa, here placed in the category ‘country of origin’, as failing on key aspects of compliance *or* enforcement on rhino conservation (although given the best score on elephant conservation) along with Zimbabwe. Mozambique’s scores as both transit and source country turned out worse, failing on key aspects of both compliance *and* enforcement, largely due to Mozambican nationals’ involvement in poaching in South Africa. Of the destination countries, Vietnam was identified as the worst offender (Nowell 2012). Regardless of the low score, South Africa has indeed launched several measures, action plans and task forces, and been recognised for improvement in areas such as legislation and enforcement. The low score could indicate severe pressure, as a result of the countries linked to the same trading chain not applying similar satisfactory measures. Thus, South Africa’s own approaches are being counteracted and hampered by the lack of action within other key countries as well as limited coordination. In addition, South Africa’s status as the primary host of rhinos means it is particularly vulnerable to organised crime and its sophisticated methods (Nowell 2012).

Figure 4: WWF Wildlife Crime Scorecard 2010-2012

¹¹ This was measured based on government announcements and information collected from WWF, CITES, TRAFFIC documents, other NGOs and news reports.

CITES is the primary international organ to control and regulate international trade in endangered species and to suppress illegal trade. With 181 signatory members, it is one of the largest existing conservation agreements and is widely recognised as an important organ. The divergences within and among national wildlife, criminal and other laws demonstrate that many states do not fully recognise or treat wildlife offences and the activities related to them as serious crimes. National frameworks often do not deal comprehensively with activities such as *attempts* at committing offences and participation of wildlife crime, nor deal with crimes commonly linked to these operations such as corruption and money laundering in the wildlife sector. Likewise, they often do not adequately criminalise direct crime, that is wildlife poaching, trafficking or using. Hence, this is where international institutions such as CITES are essential in developing ‘universal’ definitions, legislative suggestions and frameworks to which all states should comply (UNODC 2012:13). There is a solid international emphasis on capacity building of signatory states to effectively enforce their international commitments at a domestic level across the entire enforcement chain. For this to be successful, the same sorts of strategies and techniques must be applied – preferably the same approaches used for fighting drug and human trafficking (Scanlon 2014).

In February 2014 the London Conference on Illegal Wildlife Trade was held with 46 participating nations. This high-level event resulted in a declaration to address the illegal wildlife trade. It further identified IWT as a severe threat to regional security and sustainable development, and also stressed the importance of working closely with local communities in order to limit human-wildlife conflict. Additionally, it emphasised the significance of addressing both demand and supply in order to be successful in curbing IWT. The meeting pushed for amendments in government legislation and law enforcement to criminalise actions related to the illegal killing or trade more clearly (London Conference on IWT Declaration 2014). While this Conference was commended as a turning point in conservation, the sentiments after the follow-up meeting in Botswana held in March 2015 were not quite as optimistically charged. Disappointed conservationists were upset by the lack of commitment and implementation that specific countries showed in one year as well as by the slow progress. The conference ended with a declaration repeating and further stressing the need to improve cooperation and coordination between countries and strengthen weak prosecution mechanisms and again guarantee that local populations benefit from conservation (Kasane Statement 2015; *Daily Mail* 2015a, 2015b).

Numerous discussions and proposals on how to alter the commercialisation of rhino have taken place, both internationally and locally in each country. There are plenty of ongoing fundraisers and campaigns where renowned personalities give their support and contribute towards raising awareness, including Prince William and President Barack Obama to name a few (*Yorkshire Post* 2013; McLaughlin 2013). The effort to change public international attitudes, norms and ideas on the subject is most definitely dependent on the fundamental work of organisations and important acknowledged individuals who have educated people, spread information and put great pressure on decision makers. Moreover, it is essential that these common ideas and desires to conserve are formulated and taken seriously by accredited organs and institutions through which states comply and cooperate. In an anarchical system which lacks an overarching international police force, laying out suggestions and strong encouragement is about as far as this co-operation can go in controlling illegal trafficking. According to Susan Strange (1996), the global power relations must not be focused on material capabilities, but rather on state and non-state structural power and soft power – in other words, persuasive power. This structural power is particularly interesting when discussing who the influential actors are globally in terms of affecting the responses to wildlife crime or identifying IWT as a threat in the first place (Strange 1996; Friman 2003).

As Elliot (2012) specifies, transnational environmental crime is identified by “commodity-specific smuggling networks, the intrusion of criminal groups involved in other forms of illegal trade and, in some cases, politically motivated organisations for whom this generates income to support other activities”. However, there is a lack of international treaties to deal with prevention and prosecuting of such trafficking and smuggling. Nevertheless, international collaboration has indeed resulted in several measures and mechanisms to counter environmental crime (Elliot 2012:87). There are, for instance, countless forums where wildlife crime is discussed, and support and advice is given to the signatory members. For instance, the International Consortium on Combating Wildlife Crime (ICCWC), consists of UNODC, CITES, INTERPOL, the World Bank and the World Customs Organisation (WCO). The five inter-governmental organisations signed a Letter of Understanding in St. Petersburg in 2010 committing them to address wildlife crime. The aim of ICCWC is to enhance, develop and formulate a coordinated response, pushing for improved commitment, enhancing methods detection and punishment. The mission is to develop programmes, and to provide recommendations and assistance according to certain focus areas. The emphasis is largely placed on strengthening cooperation and coordination, capacity building, facilitating reviews of national responses, sensitisation and promoting innovative approaches (CITES 2015). Besides arranging several roundtable meetings, workshops, seminars, training events and developing best practice guidelines, a Wildlife and Forest Crime Analytic Toolkit has been developed in

order to assist governments in reviewing their efforts. The toolkit evaluates 1) legislation, 2) law-enforcement measures, 3) prosecution and judicial capacities, 4) factors that drive offences and the effectiveness of preventive interventions, and 5) the availability and analysis of data and other relevant information (UNODC 2012).

In Glennon (1990) the author questions the power of CITES and its success by looking at the case of elephants. The rise in the ivory trade during the 1980s regardless of the CITES protective regime has, according to Glennon, a clear explanation. Because the initiatives introduced did not address producers, middlemen and consumers, the demand was not weakened. Since profits remained high, corruption flourished among enforcement employees who could just ‘look the other way’ (Glennon 1990). The quota system which was introduced under CITES “has been entirely voluntary and had no binding effect on the parties. Consequently, if a producer state exceeded its quota or even declined to supply quota to the CITES Secretariat, other CITES parties had no legal basis under CITES for refusing entry to that producer state’s ivory” (Glennon 1990). Moreover, controlling the origin of ivory that was imported proved to be difficult as there were no requirements for worked ivory to be identified.

Notwithstanding, all international agreements and law enforcement remain the member parties’ responsibility to implement. Hence, there is no international criminal court handling issues related to the illegal wildlife trade. However, if offences can clearly be linked to organised crime and corruption, the United Nations Convention against Transnational Organised Crime and the United Nations Convention against Corruption (UNOTC) enable the criminalisation, investigation and prosecution of those involved (UNODC 2012). Sanctions can indeed be imposed, but the principle of sovereignty prevents intervention in the prosecution of criminals in each nation-state. As mentioned in the previous chapter, this has been a particularly challenging element in the Kruger Park situated between South Africa and Mozambique. The relatively low penalties in Mozambique compared to South Africa, as well as differences in political and law-enforcement commitment to combat increasing poaching numbers accompanied with easy escape routes, hamper the success of many efforts (Save the Rhino 2013b). While there are strong sentiments on the need for international enforcement powers to battle IWT, this can only take place if the International Criminal Court’s jurisdiction were to be extended and incorporate IWT. For this to happen, the offences linked to IWT would have to be perceived as being among the most serious crimes of deep concern to the entire international community on the same level as the crime of genocide (Scanlon 2014).

It seems that even if IWT is gradually being acknowledged as an international threat, satisfactory coordination between countries remains absent or weak. As du Bois had already put it in 1997, no government has the power to control the trade, which makes multilateral agreements and police coordination between South Africa and neighbouring countries in particular crucial. Yet national interests and other priority areas have in many cases altered the focus on efficient responses, despite the increased international agreements on environmental protection (du Bois 1997).

4.3.1 Sovereignty and transfrontier conservation areas

Ultimately state-centric approaches are built on the notion that states are sovereign, which leads to a further discussion on sovereignty and what this means for international security and not least how it impacts on the approaches used to tackle transnational crime. In situations that call for the international community to intervene because one state cannot tackle a problem within its borders alone, the principle of sovereignty may come to hamper effective responses. Wildlife crime is a typical challenge that calls for international cooperation and coordination in order to combat it (Thomson 1995). Effective anti-poaching measures are hindered by the fact that trained poachers from Mozambique quickly return to Mozambique with the rhino horn after an attack and South African rangers and soldiers cannot cross over the border, track them down and operate there. A senior investigator of SANParks' Environmental Investigation (ECI) Unit, interviewed by Elisabeth Lunstrum in 2012 stated;

We don't have the mandate [to operate in Mozambique]. And in political terms, [governments] speak in terms of sovereignty of another country. We cannot [engage in hot] pursuit. If we're chasing a poacher to a certain level, and then he goes over the [border] fence, he's in a comfort zone. ... We have to stop immediately. [Poachers know this and] are taking advantage of [it] (Lunstrum 2014).

The challenges of environmental governance are often the result of conflicting interests at the local, national, regional and international level, and further complicating the matter are varied capabilities and distribution of negotiating power among the different levels. For instance, transfrontier conservation may turn out to be faulty as it in some instances displaces community-based conservation approaches (Jones 2006). Establishing transfrontier conservation areas is not unproblematic, as it requires land that in many cases is already inhabited and in use by local populations. Additionally, there are often several interest

groups interested in the same resources within the marked area of TFCAs. In most cases TFCAs are meant to generate revenue that will trickle down to the local communities as a reward for cooperating with conservation efforts.

Nonetheless, this arrangement has proven to not be entirely smooth. Some communities were simply too impatient or not able to wait for as long as it took before profits from the ecotourism became evident. This was especially difficult for some, considering that they were asked to abstain from using natural resources, hunting or gathering for either subsistence or medicinal purposes (Duffy 2006). Many argue that such “global environmental governance” reflects centralisation of power and authority in the hands of those on top. There is concern that such projects are being controlled through a top-down “market-oriented environmental intervention” approach by the strongest international actors and disregard local circumstances – pushing either too fast or too slowly (Duffy 2006:101). Moreover, TFCAs require smooth coordination between the relevant countries. Implementation of TFCAs can be hampered by the differences in capabilities among the cooperating states. In the case of South Africa, Mozambique and Zimbabwe in the Great Limpopo Transfrontier Park, South Africa was relatively in a much better position to implement the appropriate measures. Compared to South Africa, which is perceived as a stable regional power, the two other countries had limited capabilities to implement similar necessary measures (Duffy 2006; Russell 2015).

4.4 Realism and wildlife crime as a threat to state security

Realism’s focus on national interests and the self-help system is interestingly relevant to the wildlife crime issue. Cooperating on effective responses to threats to states can prove difficult when national interests in fact differ, or at least when not all cooperating states are equally threatened by poaching. For instance, the national interest and political agenda of the South African state is naturally more focused on prioritising anti-poaching units and strong criminal sentences for activity related to the illegal wildlife trade than a state not as negatively affected by declining rhino populations or the organised crime connected to this. According to the principles of realism and its self-help system, it is ultimately the South African government’s responsibility to cater for its citizens, provide security and protect territorial borders (Lebow 2010). When individuals from other states in the trading chain trespass and enter the territory of South Africa, poach and steal natural heritage and finally make money out of it through sales in other countries, this can clearly be regarded as an aggressive act towards the South African state. Furthermore, if states linked to the illegal wildlife trade in one way or another fail to implement

satisfactory regulatory measures and law enforcement, as well as disappoint in the area of enhancing counter-approaches, they are actually contributing greatly towards the increased pressure on South Africa. Hence, neglect of the issue and states' role in international trade does indeed hamper sound coordination and relationships among states that ultimately rely on creating alliances with each other.

The actual regulation and control over wildlife crime as well as persecution are the responsibility of each separate state, and they cannot be overruled by any international organ. State responsibility can be referred to in terms of the state's responsibility to deliver specific goods and services to its citizens. First of all, it can be measured on the level of security it provides. Providing security can be done by establishing well-functioning and legitimate security and law-enforcement institutions. Hence, protecting citizens and territory from invasions, crime and other domestic and foreign threats to the national order is an essential function. Moreover, citizens should have the opportunity to solve conflicts through the state and legitimate institutions where processes are non-exclusive, allowing all parts of society to participate. Health care, education and infrastructure should provide good opportunities for citizens and lay the ground for personal individual growth (Potter 2004). In some instances one may consider a state fragile if it is measured according to the reduction of its internal sovereignty based on the ability of a state to provide political goods to its citizens (Potter 2004).

4.5 Liberalism and international cooperation to tackle wildlife crime

Liberalism lends itself well to addressing the issue of wildlife crime and solving it. Because war is more costly than peace, it is not in a state's interest to provoke conflict. This is strongly believed to be true the case especially in democratic states. Moreover, the emphasis on collective security is relevant in terms of treating wildlife crime as a global and regional phenomenon that calls for a collective response. It is important to acknowledge that aggression from poachers and particularly organised criminal syndicates is a threat to the world system as a whole, although some states are more deeply challenged than others. According to liberalism, international institutions such as CITES and UNODC, among others, are crucial in the development of coordinated responses as well as in formulating definitions and recommendations to which member states must comply. Nevertheless, one should also acknowledge that liberal-principles such as promoting free international trade and commercial interaction have indeed enabled the illegal trade today with the freer movement of goods and money transactions. Liberalists do, however, have strong belief in states' will to cooperate and collectively address threats. Furthermore, liberalism is more

open than realism with regards to recognising non-state actors as key players in international relations today.

4.6 Constructivism and the idea of wildlife crime as a serious threat

Theory on and cases of transnational organised crime and wildlife crime can lend itself to constructivism in many ways, but most obviously in shaping the idea of threat. The notion of wildlife crime is perceived in a certain way and the construction of counter-approaches depends on this. Similarly to the war on terror, “The value added by constructivists to WoT discourse is multi-fold. Firstly, constructivists’ ‘identity construction’ helps create diverse notions of terrorism. Secondly, their understanding of ‘the self and the other’ explains the rationale behind state responses to terrorism. Further, disclosing the ever-changing nature of ideas and identities, constructivists defend changing responses to terrorism. Emphasising how interactions shape relationships, constructivism authenticates state responses through its ‘cultural’ lens” (Krishnaswamy 2012).

The rhino and its value is perceived differently in specific countries, ranging from the belief in its medicinal value, a resource for food or economic value such as farming, dehorning or trophy hunting. Moreover, there are also varying views within the borders of South Africa, which complicates reaching a unified response and gaining the backing of the whole population. Locally, domestically, regionally and internationally, poaching is viewed as a threat in different ways. Some place it in the category of merely an environmental concern, some may consider the economic implications of wildlife depletion and decline in tourism, while others consider the far-reaching consequences on state legitimacy, security and stability; this all undermines conservation initiatives and exacerbates corruption and weak elements of the state. The absence of a universally accepted definition of wildlife crime, what it entails and how serious a crime it is perceived to be may pose challenges when it comes to formulating responses. Nonetheless, the lack of such clarity will deeply affect the way in which the public perceives wildlife crime and their opinion on it.

In order to change public opinion, multiple awareness campaigns have been launched with high-profile celebrities, actors and royalty as spokespeople. Particularly passionate about the issue, Prince William has on several occasions spoken out and called for global action and a collective will to fight against the illegal wildlife markets as well as the misperceptions of the value of rhino horn. The “United for

Wildlife” taskforce was launched in collaboration with his brother Prince Harry targeting politicians and business people. Moreover, he has facilitated the mobilisation of celebrities in Vietnam and basketball star Yao Ming in China to address awareness about the rhino horn in demand countries (Russell 2015).

4.7 Conclusion

This chapter highlighted South Africa’s different responses to rhino poaching and discussed the conflicting approaches, which may possibly complicate devising unified strategic methods. Moreover, similar trends can be seen internationally, where implementation of agreed regulations is solely a national responsibility and not all comply. The last section in this chapter indicated how IR theorists easily could be preoccupied with issues related to wildlife crime.

Chapter 5

5 Conclusion

Besides being a serious threat to the survival of many species, the illegal wildlife trade undermines the rule of law and good governance, and encourages corruption. It is an organised and widespread criminal activity, involving transnational networks. Illegal poaching robs South Africa and its communities of their natural capital and cultural heritage, with serious economic and social consequences. Depleting wildlife has detrimental consequences for the tourism sector and revenues, which many are heavily dependent on. It undermines the livelihoods of surrounding communities, contributing to higher unemployment levels. Furthermore, illegal poaching is a worldwide concern, the subject of continuous debates on how best to handle the upsurge of both wildlife crime and criminal syndicates. If one looks at the effective functioning of a society, wildlife crime poses great threat to South Africa's stability through exploiting existing loopholes and reinforcing them. By infiltrating all levels of society, specifically through corruption, it undermines the rule of law and also state legitimacy through challenging the state's ability to control its territory and population.

This study suggests that South Africa possesses many of the characteristics commonly identified among states particularly vulnerable to transnational organised crime. There are multiple elements in South Africa that attract wildlife criminal syndicates. In addition to a long history of commercial trade in wildlife, the political transition from apartheid to democracy marked years of political neglect of organised crime. As such political shifts often interrupt existing social norms and formal sanction, this transitional period allowed criminal syndicates to grow as a result of other government priorities, such as rebuilding the state, overshadowing the issue. Much like then, South Africa is today in a position where other areas such as high unemployment rates, corruption, inequality, poverty and other criminal activities such as robberies and murder are given a higher priority than conservation. Not only does this have implications for the resources allocated to combating wildlife crime, but these factors also provide fertile breeding ground for the flourishing of criminal networks. In addition, South Africa has proven not to have sufficient capacity to adequately cater for its citizens, according to research showing that political trust is weak among the population. Particularly unsettling is the general public opinion of the police, public officials and civil servants as highly corrupt, which means law enforcement lacks legitimacy. High unemployment levels lead to limited economic opportunities for South African citizens, which in turn

makes the move to lucrative businesses such as rhino poaching a short one. The similarities between transnational organised crime and wildlife crime are plenty. This study has shown that South Africa is deeply affected by many of the elements that TOC theory mention as essential for growth in crime. TOC theory has been helpful in mapping out many of the features of criminal syndicates and their environments, which relate to wildlife crime as well. However, the focus on wildlife crime shows that specific features linked to wildlife and the environment complicate the fight against organised crime further. These include dealing with natural resources that are almost impossible to control with limited resources – especially one that South Africa is the main host for, namely the rhino.

Previous research on organised crime has been narrow in its analysis, with a national perspective and often confined within law enforcement or crime studies. This is unfortunate, as criminal groups operate across borders, as organised crime is a transnational phenomenon. It cannot be addressed or handled within a state alone. IR theories do not adequately address transnational organised crime and the traditional focus is on inter-state aggression. This study has shown that wildlife crime indeed poses ‘traditional’ threats to the concept of security through undermining fundamental state functions, capabilities and legitimacy. The need for military responses to combat poaching in so-called bush wars has forced the South African government to consider illegal wildlife crime as aggression directed towards South Africa, its national heritage, economy and security. Such crime also challenges the state’s territorial control over borders, resources and people. Moreover, it has deep implications for state stability by reinforcing existing state weaknesses.

Wildlife crime can prove to be a fruitful source of study in the field of International Relations, because it forces the mainstream theories to consider how new non-state actors can pose threats, but allowing these threats still to be studied within the same framework and traditional concepts. Although this study attempts to expand and develop theories to better incorporate and explain new phenomena, it has attempted to show how even in their most traditional form many of the focus areas of mainstream theories are already relevant and applicable to wildlife crime. The study has not aimed to apply the theories in depth to the case, but merely to use them to give substance to the issue and demonstrate the relevance of the topic as an international relations matter.

Realism can be preoccupied with the territorial aggression and economic loss that poaching presents and the state's responsibility of maintaining order and responding to the issue based on its national interests. This line of thought also implies scepticism about the actual effects of international cooperation as it anticipates conflicting interests and some states not abiding to the agreed rules. Because of the anarchical structure of global international relations, institutions such as CITES do not have real power over the sovereign states, which ultimately leaves the issues open to each state to handle. Liberalists may find particular interest in the CITES agreements and other international cooperative institutions. The fact that they are formed in the first place shows that wildlife crime is indeed recognised as a collective security concern that must be tackled by strategic collective approaches. Because solving the poaching crisis is an impossible task for South Africa on its own, it relies on coordination and good relationships with the relevant states. The value of interstate institutions, although not in possession of real power, is to create a joint forum where mutual interests can be discussed and to encourage similar legislation, assuming states have a mutual interest in protecting the environment and curbing both demand and supply in the IWT chain. Furthermore, constructivists can provide meaningful insight by focusing on governmental policies and responses and the construction of wildlife crime both as a phenomenon and as a threat. There is no doubt that profiled celebrities and politicians have the power to shape both public perception of rhino poaching as well as to pressure governmental commitment and action through attracting media attention. The anti-poaching measures that are formulated and implemented in South Africa are also subject to many conflicting interests and beliefs within the state.

International responses have been useful both in terms of raising awareness and developing collective responses and strategies, giving monitoring and enforcement support and techniques. In addition, CITES, TRAFFIC and UN organs, to name a few, put international pressure on countries failing to apply the appropriate legislation necessary to tackle wildlife crime. All international and regional responses ultimately come down to the same agreements and commitments; however, the principle of sovereignty limits the power of such institutional arrangements. Domestic responses have been intensified and, although the poaching numbers have not declined, the arrests are increasing. While this study has not aimed to portray the typical poacher or thoroughly define a poacher's motivations, it has placed an emphasis on Mozambican poachers as well as participants from East Asia. This is not to say they are more or less prominent than South African or other nationals, but examples have been provided because they provide interesting insight into the challenges for South Africa in dealing with offenders from neighbouring and other countries that have different legislation and beliefs. These examples have proven that, although South Africa has enhanced anti-poaching responses, they are constantly being challenged

by poachers who are one step ahead, and can easily navigate through South African territory and enjoy near immunity in states that have not comprehensively implemented effective law enforcement to combat IWT.

Domestic responses are not easy to formulate, however, as there are multiple different views on how best to respond to the rhino crisis. The existence of trophy-hunting business and the possibility of obtaining legal hunting certificates provide further loopholes for greedy rhino horn syndicates. There is broad support for legalisation of the trade in rhino horn among many private rhino owners and for the suggestion from the South African Department of Environmental Affairs to open up a limited once-off trade. These factors are not only highly contested, but contribute to complicating the development of a unified approach to tackle the crisis and many of the suggestions are in direct opposition to international recommendations. In addition, attitudes must not only be changed in demand countries, but populations around the Kruger National Park struggle to apprehend the value and benefits of rhino conservation and the underlying consequences of neglect or refusal to cooperate. This proves the importance of community-based conservation and making sure it benefits local communities. Moreover, the endless organisations engaged in fundraising and raising awareness for rhino conservation may in fact be slowing down processes, as strategic responses would benefit from a more focused approach. The most worrying fact related to the rhino poaching crisis is the deep connection between organised crime and government ministers, officials and police and even rangers.

For further research it would be interesting to play out the scenario of the controversial full legalisation of rhino horn trade from an economic and conservation perspective. Moreover, acknowledging that this study has focused on scratching the surface of three broad international theories in order to show their applicability, it would be insightful to advance and choose a single theory through which one analyses South Africa as a player in international conservation realm. Lastly, if time had allowed it, this study would have benefitted from a closer look at penalties and reviewing the number of actual convictions as well exposing the South African kingpins.

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