

September 2016



# How to Use the Arms Trade Treaty to Address **Wildlife Crime**

**control**arms

**PACE**  
UNIVERSITY

Made possible through  
the support of:



**UNSCAR**



United Nations Trust Facility

Supporting Cooperation on Arms Regulation

The United Nations Arms Trade Treaty (ATT) offers opportunities to address the violent nexus of wildlife poaching and illicit arms trafficking. This report offers specific advice to policymakers and advocates seeking to use the framework of the ATT to assess and mitigate the risk that arms transfers will be diverted to poaching networks or exacerbate the negative impacts of militarizing wildlife protection. Advocating international and regional cooperation, the report also encourages the universalization and rigorous implementation of the ATT, as well as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other relevant instruments, particularly in States at risk of poaching and other wildlife crime.

## 1. Introduction

The world is facing an “Environmental Crime Crisis”<sup>1</sup> with an unprecedented slaughter of large mammals, particularly in the African continent. More than 100,000 elephants have been killed by poachers in the last five years<sup>2</sup> and the number of rhinoceroses poached has increased every year for the last six years.<sup>3</sup> The illicit wildlife trade is now increasingly sophisticated, dangerous and globalized, integrated with armed groups and organized crime. Caught unaware, States and civil society have struggled to respond adequately, many opting for a militarization of wildlife protection that has, in many places, had disturbing effects on human rights and fueled an arms race between wildlife services and poachers. The flow of weapons into contexts that are often already politically insecure has had destabilizing effects in many communities.<sup>4</sup>

At a recent meeting in Nairobi of East African civil society organizations working on arms control and disarmament issues, one participant admitted that they had failed to reach out to and work with their colleagues in the conservation community. “Elephants don’t just fall down and die,” she noted, “they are killed by small arms.” Indeed, according to Kenya Wildlife Service, areas of the country that have the highest rates of illegal small arms and light weapons (SALW) proliferation are also poaching hotspots.<sup>5</sup>

This report attempts to encourage the nascent conversation between the arms control and conservation communities. There are many opportunities for collaboration and mutual learning on mitigating two overlapping illicit markets. The previous African elephant poaching crisis in the 1980s – which was fueled by the influx of guns in Africa’s Cold War proxy conflicts – was stopped not so much by militarized interventions but rather through international legal and normative change. The ivory trade ban, was instituted through the framework of an international treaty – the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It was supported by a global awareness-raising campaign – by both States and NGOs – that in many societies transformed ivory from a symbol of luxury to one of disgust.<sup>6</sup>

Similarly, over the last decade States and civil society have constructed transformative legal and normative frameworks to address the human suffering caused by an unregulated arms trade and unchecked proliferation of small arms and light weapons (SALW). These include the United Nations Programme of Action on SALW (PoA), various regional SALW instruments (including the ECOWAS Convention, Kinshasa Convention, Nairobi Protocol and SADC Protocol). Most recently, the 2013 Arms Trade Treaty (ATT) has established for the first time global regulations on the transfer of conventional weapons, to prevent arms getting into the hands of human rights abusers, terrorists, war criminals and organized crime. Championed by



African States and civil society – who called attention to the devastation of armed violence on the continent – the Treaty also offers new opportunities to limit poachers' access to the guns they use to kill rhinos, elephants and other animals.<sup>7</sup>



*A Kenya Wildlife Service ranger discusses how to monitor poachers and protected species during the ATT Academy held at Lake Nakuru National Park, Nakuru Kenya 20-23 June 2016*

This report was written for the “Arms Trade Treaty Academy” project of Pace University and Control Arms, funded by the United Nations Trust Facility for Supporting Cooperation on Arms Cooperation (UNSCAR), which is training East African government and civil society personnel on the ATT.<sup>1</sup> It builds on an earlier, detailed exploration of possible uses of the ATT for addressing wildlife crime published by Control Arms in 2015.<sup>8</sup>

The goal of this report is to aid wildlife conservation and SALW control efforts rooted in respect for human rights, rule of law, peacebuilding and sustainable development, rather than militarization. It also seeks to catalyze links between arms control and environmental conservation networks, to strengthen civil society monitoring and advocacy, as well as mobilization of public attention. While it is focused mostly on the East African context, we hope that the information and recommendations can also apply to other regions facing the impact of the environmental crime crisis.

The following section highlights key risks that States, international organizations, media and civil society should assess, using the ATT framework, as they monitor arms transfers, to ensure that weapons, ammunition, parts and components do not exacerbate wildlife crime or the

---

<sup>1</sup>Note that the opinions expressed in this report are the author's alone and do not necessarily represent the policy positions of the United Nations, Pace University or Control Arms.

negative impacts of militarization conservation. It is followed by a section outlining specific ways the ATT can be used to mitigate and prevent these risks. The report ends with a checklist for policymakers and practitioners working on arms control and poaching issues.

## **2. Risks Posed by Arms Proliferation, Wildlife Poaching and the Militarization of Counter-Poaching**

Poorly regulated transfers of weapons to regions severely affected by wildlife poaching pose risks to peace and security, the rule of law, human rights and humanitarian protections. The ATT places obligations on exporting, importing, transit and trans-shipment states to ensure arms transfers do not exacerbate such problems. The following examines these risks in more depth, as well as their relevance to the ATT.

### **a. Risks to Peace and Security and of Terrorism**

The ATT requires exporting States Parties to “assess the potential” that a transfer of conventional weapons, ammunition or parts and components “would...undermine peace and security” (Article 7.1(a)) or be used to “commit or facilitate ... terrorism” (Article 7.1 (b, iii)). If so, exporters are required to engage in risk mitigation measures in collaboration with the importing State (Article 7.2). If an “overriding risk” remains, then the exporter “shall not” authorize the transfer. States Parties are also required to “take measures to prevent” diversion of arms to unauthorized users or uses (Article 11).

Wildlife poaching can pose a risk to peace and security by undermining the rule of law, fueling the depth and reach of organized crime, contributing to SALW proliferation and providing funds to Non-State Armed Groups. Media and think tank reports of varying reliability have alleged that wildlife poaching has helped fund armed groups, including the Janjaweed in Sudan, Mai Mai in the Democratic Republic of the Congo and the Lord’s Resistance Army (LRA) in the central African region.<sup>9</sup> In 2013, US President Barack Obama signed Executive Order 13648, which described wildlife trafficking as “contributing to the illegal economy, fueling instability, and undermining security.”<sup>10</sup> In his 2014 remarks to the UN General Assembly, Tanzanian President Jakaya Kikwete stated that “poaching” and “illicit exploitation of natural resources” are “making the world less secure.”<sup>11</sup> Similarly, UN Secretary General Ban Ki-moon has stated that “Illegal wildlife trade undermines the rule of law and threatens national security.”<sup>12</sup> The UN Security Council has also identified wildlife poaching in central Africa as a security threat, establishing travel and financial sanctions on persons and organizations involved “illicit exploitation of natural resources, including diamonds and wildlife and wildlife products” (S/RES/2134, S/RES/2136 and S/RES/2198).

However, the increasing tendency to see wildlife poaching through a security lens has encouraged calls to militarize wildlife protection, described as a “war against poaching.”<sup>13</sup> In conversations with wildlife rangers in Kenya, the author often heard them use this militarized language of a “war” or “fighting the enemy.” Exaggerated claims that poaching funds terrorism have strengthened those interests benefiting from an aggressive posture and escalating clashes between poachers and anti-poaching units spurred an arms race, with increasingly sophisticated weaponry used on both sides.<sup>14</sup> Meanwhile, the depiction of poachers as non-state actors and criminals elides what are often extensive links between security forces and wildlife poaching, ranging from direct involvement to accepting kickbacks or supplying the military-grade weapons (including M-16 and G3 rifles) increasingly used by poachers.<sup>15</sup>



Militarization strengthens the hands of actors that can contribute to insecurity and increases flows of weapons into already unstable contexts.

### **b. Violations of Human Rights and Humanitarian Law**

Similar to its provisions on peace and security, the ATT requires assessment and mitigation of risks that transfers of conventional weapons, ammunition or parts and components “could be used to commit or facilitate a serious violation” of international human rights and humanitarian law (Article 7.1(b i, ii)). However, it also contains more stringent prohibitions of any transfers of arms if a State Party “has knowledge” that they “would be used in the commission” of genocide, crimes against humanity or war crimes (Article 6.3).

Several of the armed groups that have allegedly funded their activities in part by wildlife poaching – including in DRC, Sudan and Central African Republic – have engaged in serious human rights and humanitarian law violations.<sup>16</sup> Meanwhile, militarized counter-poaching efforts have had a disturbing tendency to exacerbate extrajudicial violence, sometimes used to cover up official complicity in wildlife trafficking.<sup>17</sup> Shoot-to-kill operations by anti-poaching units have resulted in major abuses of human rights.<sup>18</sup> Indeed, they may undermine important efforts to engage and build local capacities for sustainability, peace and alternative livelihoods.<sup>19</sup>

### **c. Poaching and Organized Crime**

The ATT requires States Parties to assess and mitigate the risk that a transfer of arms, ammunition or parts and components will be used to “commit or facilitate ... transnational organized crime” (Article 7.1 (b.iv)). States Parties are also required to “take measures to prevent” diversion of arms to unauthorized users or uses (Article 11).

Trade in wildlife is regulated by CITES, which governs the import, export and trans-shipment of specimens of controlled species. Despite the many successes of CITES in limiting illegal trafficking, in its 2014 report, *The Environmental Crime Crisis*, the UN Environment Programme (UNEP) raised alarm at the “pace, level of sophistication, and globalized nature” of the illegal trade in wildlife,<sup>20</sup> now the world’s fifth largest black market.<sup>21</sup> In 2013, the UN Commission on Crime Prevention and Criminal Justice designated wildlife trafficking as a “serious crime.”<sup>22</sup> Since then, the UN Environment Assembly (UNEP/EA.1/L.16) and the UN General Assembly (A/RES/69/314) have both passed resolutions calling on states to take measures against organized crime networks involved in poaching and illicit wildlife trafficking. Media, academic and think tank reports have alleged official complicity and corruption linking elements of several states to such transnational networks.<sup>23</sup>

### **d. Poaching Networks and Gender-Based Violence**

The ATT requires exporting States Parties, before authorizing an export, to “take into account the risk” of a transfer of conventional weapons, ammunition or parts and components “being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children” (Article 7.4) This decision should be made in consultation with importing, transit and trans-shipment States (Article 7.6 and 7.7). This groundbreaking provision is the first ever mention of “gender-based violence” in an international treaty.

There has been limited attention to the gender dimensions of wildlife crime or efforts to counter it.<sup>24</sup> Nevertheless, many of the armed groups that have reportedly used wildlife crime to fund their activities (e.g. the Janjaweed, Mai Mai and LRA) have been involved in serious acts of gender-based violence including the use of rape as a weapon of war (see, for example, UN Security Council Resolution 2198). Several groups have also forcibly recruited children to serve as soldiers. Many of the organized crime networks involved in poaching and illicit wildlife trafficking have also been implicated in human trafficking<sup>25</sup> and one poaching ring in South Africa hired Thai prostitutes to acquire hunting permits.<sup>26</sup>

There are also risks of a gendered impact of militarizing government anti-poaching efforts. By empowering paramilitary structures within the state, governments may entrench patriarchal norms and approaches to security. For example, a 2003 book reported women living around Tarangire National Park “expressed fear over collecting firewood in the vicinity of the park because of the danger of sexual harassment by park rangers.”<sup>27</sup> More recently, there were allegations that security personnel involved in Tanzania’s Operation Tokomeza had raped people in the local community and engaged in other human rights abuses.<sup>28</sup>



*Participants gather at the ATT Civil Society Strategic Planning Seminar in Nairobi, Kenya on June 17, 2016*

### **3. Risk Mitigation Measures, International Cooperation and Assistance**

In addition to requiring States Parties to assess risk of weapons transfers being abused, it requires them to address such risks through the “establishment of mitigation measures such as



confidence-building measures or jointly developed and agreed programmes by the exporting and importing States" (Article 11.2). It encourages States Parties to engage in "international cooperation", information-sharing and provision of "international assistance" (including through a newly established "voluntary trust fund") (Articles 15 and 16). ATT States Parties are also required to meet in annual Conferences of States Parties to review implementation. These provisions offer opportunities to address the negative impact of the arms trade on wildlife crime and also mitigate problems with militarized counter-poaching efforts. The following offers a few examples of potential measures that could be instituted through the framework of ATT implementation. It is by no means an exhaustive list, but rather intended to encourage creative innovation by States and civil society.

#### **a. Identification of Types of Weapons Being Abused**

Key to many of the potential risk mitigation measures is identifying the types of weapons and ammunition being used in poaching, by the groups and networks benefiting from illicit wildlife trafficking, as well as those weapons contributing to the militarization of wildlife protection. A review of the relevant media, policy and academic literature, as well as interviews with wildlife rangers in Kenya suggests that poaching networks are using increasingly sophisticated military-grade equipment. This includes Kalashnikov-pattern rifles (including the AK-47 and AK-101), G-3 and M-16-pattern automatic rifles, rocket-propelled grenades, as well as large-caliber rifles (including .375 and .404) like the CZ550 and others that can accommodate Winchester Magnum .458 ammunition. Poachers are also increasingly fitting such their rifles with telescopic sights and silencers and using GPS units, radios and night-vision goggles. Government counter-poaching units are often armed with similar weapons, particularly Kalashnikov, G-3 and M-16 pattern automatic rifles.<sup>29</sup>

Gathering specific information on the types of such weapons, their distribution, movement and use is crucial to enable ATT-mandated control measures. One potentially useful mechanism is the CITES-mandated Monitoring the Illegal Killing of Elephants (MIKE) program, which requires States to report forensic and other data on every illegal elephant killing. The MIKE reporting form allows States to record and report the types of weapons and ammunition used but unfortunately, poor marking of weapons stocks in the region and anti-poaching units' low forensic capacity have limited the quality of this data.<sup>30</sup> Other potential sources of information include police and military data on illegal firearms, as well as regional institutions engaged in cooperation on countering SALW proliferation (like the Regional Centre on Small Arms (RECSA) in East Africa), as well as conservation (like the Lusaka Agreement Task Force).<sup>31</sup> Information sharing is thus crucial at the annual ATT Conferences of States Parties and the triannual CITES Conferences of Parties.

#### **b. Improving Export, Import, Transit and Trans-Shipments Controls**

The ATT requires all States Parties to "establish and maintain a national control system, including a national control list" (Article 5.2) of weapons to which it will apply the provisions of the Treaty. The national control list must at a minimum cover the primary categories of conventional weapons in Article 2(1) of the Treaty, but States Parties are apply the ATT to "the broadest range of conventional arms" (Article 5.3). While the ATT does not define the categories of weapons it covers, including of SALW, it refers States Parties to the "descriptions used" in the UN Register of Conventional Arms and "relevant United Nations instruments", for example, the Firearms Protocol and International Tracing Instrument.

One potential issue is that there is a debate about whether rifles that are considered “sporting weapons” – including some large-caliber weapons used in poaching – are included under the ATT category of SALW, since the Preamble recognizes the “legitimate trade and lawful ownership” of weapons for “recreational, cultural, historical and sporting activities.” Moreover, the Wassenaar Arrangement Munitions Control List (a list promoted by many as best practice), specifically excludes “smooth-bore weapons used for hunting or sporting purposes” (ML2a). Similarly, there is some uncertainty about the definition of “Parts and Components” (Article 4) and whether all States Parties will interpret it to cover sights, silencers and relevant security equipment like night-vision goggles (silencers and most sights (ML1.d and ML2.c) are included on the Wassenaar List). It is crucial that States Parties include the weapons, ammunition, parts and components most at risk of use in poaching – as well as those most likely to be abused by militarized wildlife counter-poaching units – to be included in States’ National Control Lists. As noted above, the ATT encourages states to include on their Lists the widest possible range of conventional weapons, ammunition, parts and components.

States Parties can take a range of measures to improve control over the transfer of the items on their National Control Lists, including: building the capacity of customs enforcement; information gathering on and law enforcement actions against trafficking networks; information sharing between exporting, importing, transit and trans-shipment States; and tightening oversight and control over the movements and storage of weapons.

### **c. Preventing Diversion**

The ATT requires all States Parties to “take measures” to prevent diversion of weapons to unauthorized uses or users, by “assessing the risk” of diversion and establishing “mitigation measures such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.” It offers examples of “Other prevention measures”, including “examining parties involved in the export, requiring additional documentation, certificates, assurances, not authorizing the export or other appropriate measures” (Article 11).

The measures listed explicitly in the ATT are focused on trade regulations. However, in implementing the UN PoA, Nairobi Protocol, SADC SALW Protocol, ECOWAS SALW Convention and Kinshasa Convention, States have taken many additional measures to limit diversion. These include marking of both government and civilian firearms; registration and tracing measures (like databases) to track to internal movement of weapons; destruction of surplus weapons and ammunition; and improvements to the security and management of stockpiles. Such measures could help to prevent diversion of weapons, ammunition, parts and components to networks involved in wildlife crime.

### **d. Deepening Respect for Human Rights and Humanitarian Law**

The International Committee of the Red Cross, national human rights and humanitarian law commissions and civil society engage in programs to encourage greater awareness of and compliance with international human rights and humanitarian law. The international cooperation and assistance provisions of the ATT (Articles 15 and 16) could be used to encourage armed groups to comply with human rights and humanitarian norms and to encourage better practice by police and wildlife protection units. This could include sensitization and training; establishment of stronger national legislation and institutions; clarifying rules of engagement (such as demanding an end to “shoot-to-kill” policies against



poachers, instead encouraging rangers to make arrests where possible); and monitoring by ombudspersons, media and civil society.

#### **e. Encouraging Transparency and Information Sharing**

The ATT requires States Parties to “maintain national records” on relevant transfers, encouraging them to include in these archives the quantity, value, exporters, importers, transit and trans-shipment States and end-users of the weapons, both authorized and actually transferred (Article 12). States Parties are also to submit annual reports to the ATT Secretariat on implementation (Article 13) and exchange “information on matters of mutual interest regarding the implementation and application” (Article 15). Many States and civil society have encouraged States Parties to interpret these provisions as encouraging a norm of transparency and openness about the international arms trade.<sup>32</sup>

Transparent reporting on transfers could be very useful in addressing poaching networks, by enabling careful tracking of weapons most at risk of being used in poaching. The international cooperation and assistance measures of the ATT (Articles 15 and 16) and Conferences of States Parties also offer opportunities for sharing of best practices in addressing the impact of arms proliferation on wildlife crime. As noted before, sharing of MIKE data on weapons used in poaching would improve the work of both the arms control and conservation communities.

#### **f. Peacebuilding and Sustainable Development**

Insecurity and poverty are key drivers of both poaching and SALW proliferation. Illicit movements of SALW often diffuse in and out of areas of conflict. A lack of livelihood opportunities in the legitimate economy often provides incentives to engage in poaching. Reducing both the supply and demand for weapons to be used in poaching and illicit wildlife trafficking thus requires peacebuilding as well as sustainable development efforts.<sup>33</sup> ATT-mandated risk mitigation measures, as well as the provisions for international cooperation and assistance provisions (Articles 15 and 16) could be used to encourage community ownership of conservation through development of sustainable livelihoods in wildlife hotspots as well as to support and build peace in regions where there is a nexus of poaching and armed conflict. Throughout East Africa, community group, churches and local government have organized “Peace Committees” to mitigate local-level conflict.<sup>34</sup> Likewise, conservation agencies have had varying success in engaging local communities in wildlife protection, resulting in a growing literature on best practice.<sup>35</sup> Examples include the Northern Rangelands Trust in Kenya, which has integrated peacebuilding into its conservation efforts, supporting conflict resolution teams and community dialogues.<sup>36</sup> The Catholic Diocese of Eldoret in Kenya has facilitated grassroots peacebuilding interventions among Pokot and Marakwet communities, bordering South Turkana National Reserve and Kerio Valley National Park.<sup>37</sup>

Around Lake Nakuru National Park in Kenya community groups have partnered with Kenya Wildlife Service to increase access to water, promoting sustainable rural livelihoods that reduce pressure on the Park. With the influx of displaced people after the post-election violence of 2007/2008, the Black Sheep Women’s Group and Heart-to-Heart Women’s Group – associations of women from around the Park – have built links between people of different ethnic groups through community-based tourism projects. These include managing a campground, offering cultural tours and making and selling handicrafts. Such projects can contribute to building linkages between Parks and their surrounding communities and

reducing social fissures that exacerbate wildlife crime. Contributing to peacebuilding, conflict reduction and income generation programs can reduce the demand for illicit weapons.

#### **g. Monitoring and Advocacy**

The Arms Trade Treaty came into being in part because a vigorous global and regional campaign by civil society networks – under the umbrella of the Control Arms coalition – engaged in monitoring, advocacy and programming in the humanitarian, development and human security sectors. Similarly, public awareness of the poaching crisis is the result a campaign by civil society involved in conservation and environmental sustainability. Effective monitoring and advocacy by civil society and media will be crucial to the effective universalization and implementation of the ATT.

There are many East African civil society groups that have engaged in advocacy on the ATT, including Africa Peace Forum and the African Council of Religious Leaders, Burundi Armed Violence Observatory (BrAVO), East African Sub-Regional Support Initiative for the Advancement of Women (EASSI) and the Kenya Pastoralist Journalist Network. They were involved in communicating the demands for better controls over the arms trade to governments during the negotiations and have been encouraging the accession of East African States to the treaty. For example, in June 2016, East African civil society groups gathered in Nairobi to strategize an #ArmsFreeAfrica campaign to support ATT universalization and implementation and host a showing of the film *Gun Runners*.<sup>38</sup>



Similarly, local civil society has often been effective in raising awareness of the impact of wildlife crime. The #HandsOffOurElephants social media campaign, started by WildlifeDirect, has generated pressure in Kenya to ensure strong implementation of the 2013 Wildlife Act. Their #Tweet4Elephants online discussions "reached 39 million people worldwide."<sup>39</sup> Meanwhile, the African Wildlife Foundation has placed numerous editorials and feature articles on poaching and conservation in the East African press and in-flight magazines for national



airlines.<sup>40</sup> Examples of similar civil society initiatives include the Northern Rangelands Trust, Space for Giants, David Sheldrick Wildlife Trust, East African Wild Life Society and Green Belt Movement.

Civil society efforts have also helped hold militarized government counter-poaching efforts accountable. For example, the Legal and Human Rights Centre in Tanzania published a comprehensive report on the abuses committed during Operation Tokoweza by Tanzanian rangers and security forces.<sup>41</sup>

## 4. Checklist for Policymakers and Advocates

To summarize, in order to use the ATT to address wildlife poaching and the negative impacts of militarized counter-poaching, States, international organizations, civil society and the media should take the following actions:

- ❑ **Assess the risk that arms transfers will be used to commit genocide, crimes against humanity or war crimes – whether by state institutions engaged in counter-poaching, poaching networks or anyone else – and ensure that the absolute prohibition on such transfers is upheld.**
- ❑ **Assess and mitigate the risk of transfers of conventional weapons:**
  - i. Being diverted to armed groups (or to poaching networks that fund them), which
    - a. threaten peace and security,
    - b. engage in terrorism,
    - c. engage in transnational organized crime,
    - d. violate human rights and/or humanitarian law, and/or
    - e. are involved in serious acts of gender-based violence and violence against women and children, including recruitment of child soldiers.
  - ii. Increase instability through the militarization of counter-poaching efforts or contribute to government counter-poaching operations that:
    - a. undermine peace and security,
    - b. facilitate terrorism,
    - c. divert weapons to transnational organized crime or are complicit with it,
    - d. violate human rights and/or humanitarian law, and/or
    - e. engage in serious acts of gender-based violence and violence against women and children (including recruitment of child soldiers) or contribute to the negative gendered impacts of militarizing counter-poaching efforts.
- ❑ **Enact the following risk mitigation measures:**
  - i. Identify the types of weapons being abused, by:
    - a. improving collection and analysis of data on the types, distribution, movement and use of weapons and ammunition used by poaching and wildlife crime networks,
    - b. improving forensic analysis of wildlife crime scenes and increase the detail of reports to the MIKE system, particularly on the specific types of weapons and ammunition used, and

- c. identifying the weapons that have contributed to the negative impacts of militarized government counter-poaching efforts,
- ii. Ensure implementation of strong National Control Measures, by:
  - a. compiling National Control Lists that cover the widest possible range of conventional weapons, ammunition, parts and components, including those most at risk of abuse by poachers or militarized anti-poaching units,
  - b. enacting measures to prevent diversion or abuse of weapons, ammunition, parts and components to networks involved in wildlife crime, including customs regulations, marking and tracing, destroying surplus and improving management of stockpiles.
- iii. Support international cooperation and assistance for peace, sustainable development and respect for human rights and humanitarian law by:
  - a. supporting sustainable development efforts in communities surrounding wildlife hotspots like national parks and game reserves,
  - b. supporting peacebuilding and conflict resolution efforts in regions affected by a nexus of poaching and armed conflict,
  - c. increasing awareness of and compliance with international human rights and humanitarian law, both by armed groups (including those involved in poaching) and government counter-poaching agencies,
  - d. demanding an end to abusive counter-poaching tactics such as “shoot-to-kill” policies,
  - e. sponsoring efforts to better understand the gendered dimensions of wildlife crime and efforts to counter it.
- iv. Encourage a culture of transparency and information sharing by
  - a. providing transparent reporting on transfers, including those most at risk of being diverted to poaching and wildlife crime networks, as well as those used by wildlife protection agencies,
  - b. supporting local, national, regional and international civil society efforts to monitor the arms trade (including its impacts on poaching) and advocate for both effective universalization and implementation of the ATT,
  - c. supporting the sharing of information and best practices enabling international cooperation and assistance in mitigating the negative impact of arms proliferation on wildlife crime,
  - d. supporting local, national, regional and international civil society efforts engage in monitoring and advocacy on conservation and environmental sustainability,
  - e. exploring potential venues for information sharing including, regional SALW bodies (such as RECSA), as well as the annual ATT Conferences of States Parties and the triannual CITES Conferences of Parties.

Written by Matthew Bolton for the Arms Trade Treaty Academy, a project of Control Arms, with the input of Anna Macdonald. Funded by UNSCAR. All photos courtesy of Zoya Craig. Layout design by Maria Virginia Olano.



## End Notes

<sup>1</sup> Achim Steiner in: Christine Nellemann, et al. (Eds). (2014) *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*. Nairobi, UNEP. p. 4.

<sup>2</sup> Brad Scriber. (2014) "100,000 Elephants Killed by Poachers in Just Three Years, Landmark Analysis Finds." National Geographic. <<http://news.nationalgeographic.com/news/2014/08/140818-elephants-africa-poaching-cites-census/>>.

<sup>3</sup> Save the Rhino. (2016) "Poaching Statistics."

<[https://www.savetherhino.org/rhino\\_info/poaching\\_statistics](https://www.savetherhino.org/rhino_info/poaching_statistics)>.

<sup>4</sup> Rosaleen Duffy. (25 September 2015) "War by Conservation." *Just Conservation*.

<<http://www.justconservation.org/war-by-conservation>>; Tom Maguire and Cathy Haenlein.

(September 2015) "An Illusion of Complicity: Terrorism and the Illegal Ivory Trade in East Africa." RUSI Occasional Paper. <[https://www.rusi.org/downloads/assets/201509\\_An\\_Illusion\\_of\\_Complicity.pdf](https://www.rusi.org/downloads/assets/201509_An_Illusion_of_Complicity.pdf)>;

Christine Nellemann, et al. (Eds). (2014) *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*. Nairobi, UNEP.

<sup>5</sup> Stephen Changa, Deputy Head of Security, Kenya Wildlife Service. (20 June 2016) Presentation to the Arms Trade Treaty Academy Workshop. Lake Nakuru Lodge.

<sup>6</sup> Ronald Orenstein. (2013) *Ivory, Horn and Blood: Behind the Elephant and Rhinoceros Poaching Crisis*. Buffalo, Firefly Books. pp. 53-66.

<sup>7</sup> Matthew Bolton. (8 April 2013) "The Arms Trade Treaty: A Pan-African Global Policy Victory."

*ThinkAfricaPress*. <[http://www.academia.edu/3241508/The\\_Arms\\_Trade\\_Treaty\\_A\\_Pan-African\\_Global\\_Policy\\_Victory](http://www.academia.edu/3241508/The_Arms_Trade_Treaty_A_Pan-African_Global_Policy_Victory)>.

<sup>8</sup> Matthew Bolton. (2015) "Using the Arms Trade Treaty to Address Wildlife Poaching in East Africa: A Human Security Approach." Control Arms. <<http://controlarms.org/en/wp-content/uploads/sites/2/2015/12/BoltonPoaching-1.pdf>>.

This report offers more specific advice on how to use the Treaty to address poaching. It also incorporates information gathered from the 2015 UN Security Council Arria Formula meeting on wildlife crime, as well as qualitative fieldwork in Kenya, where the Pace University and Control Arms staff visited and interviewed government and civil society personnel involved in wildlife conservation and arms control, as well as communities surrounding a National Park.

<sup>9</sup> Johan Bergenias, Rachel Stohl and Ochieng Adala. (9 August 2013) "Killing Lions, Buying Bombs." *The New York Times*. <[http://www.nytimes.com/2013/08/10/opinion/killing-lions-buying-bombs.html?\\_r=1](http://www.nytimes.com/2013/08/10/opinion/killing-lions-buying-bombs.html?_r=1)>; Ramy Srouf. (11 January 2014) "Wildlife Poaching Thought to Bankroll International Terrorism," *Inter Press Service*. <<http://www.ipsnews.net/2014/01/wildlife-poaching-thought-bankroll-international-terrorism/>>; Khristopher Carlson, Joanna Wright and Hannah Donges. (2015) "In the Line of Fire: Elephant and Rhino Poaching in Africa." In: *Small Arms Survey 2015*. Geneva, Graduate Institute

Geneva. pp. 15-17.

<sup>10</sup> Barack Obama. (1 July 2013) "Executive Order -- Combating Wildlife Trafficking."

<<https://www.whitehouse.gov/the-press-office/2013/07/01/executive-order-combating-wildlife-trafficking>>.

<sup>11</sup> Jakaya Mrisho Kikwete. (25 September 2014) "Delivering on and Implementing a Transformative Post-2015 Development Agenda." <<http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/unga/2014/tanzania.pdf>>.

<sup>12</sup> Ban Ki-moon. (3 March 2015) "UN Secretary-General Ban Ki-moon's message for 2015 World Wildlife Day." <<http://www.wildlifeday.org/content/un-secretary-general-ban-ki-moon%E2%80%99s-message-2015-world-wildlife-day>>.

<sup>13</sup> e.g. IFAW. (June 2013) *Criminal Nature: The Global Security Implications of the Illegal Wildlife Trade*. p. 24. <<http://www.ifaw.org/united-states/resource-centre/criminal-nature-global-security-implications-illegal-wildlife-tra-0>>; Johan Bergenias. (January 2014) *Killing Animals, Buying Arms*. Washington DC, Stimson Center.

<sup>14</sup> Khristopher Carlson, Joanna Wright and Hannah Donges. (2015) "In the Line of Fire: Elephant and Rhino Poaching in Africa." In: *Small Arms Survey 2015*. Geneva, Graduate Institute Geneva. p. 12; Johan Bergenias. (January 2014) *Killing Animals, Buying Arms*. Washington DC, Stimson Center; Rosaleen Duffy. (25 September 2015) "War by Conservation." *Just Conservation*. <<http://www.justconservation.org/war-by-conservation>>; Tom Maguire and Cathy Haenlein. (September 2015) "An Illusion of Complicity:

Terrorism and the Illegal Ivory Trade in East Africa." RUSI Occasional Paper.

<[https://www.rusi.org/downloads/assets/201509\\_An\\_Illusion\\_of\\_Complicity.pdf](https://www.rusi.org/downloads/assets/201509_An_Illusion_of_Complicity.pdf)>; Christine Nellemann, et al. (Eds). (2014) *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*. Nairobi, UNEP.

<sup>15</sup> Khristopher Carlson, Joanna Wright and Hannah Donges. (2015) "In the Line of Fire: Elephant and Rhino Poaching in Africa." In: *Small Arms Survey 2015*. Geneva, Graduate Institute Geneva. pp. 14-16; National Public Radio. (2013) "The enemy inside: Rhino's protectors sometimes aid poachers."

<<http://www.npr.org/sections/parallels/2013/05/14/183914773/The-Enemy-Inside-Rhinos-Protectors-Sometimes-Aid-Poachers>>; Taylor Toeka Kakala. (25 July 2015) "Soldiers Trade in Illegal Ivory." *Inter Press Service*. <<http://www.ipsnews.net/2013/07/soldiers-trade-in-illegal-ivory/>>; IFAW. (June 2013) *Criminal Nature: The Global Security Implications of the Illegal Wildlife Trade*. pp. 13-14. <<http://www.ifaw.org/united-states/resource-centre/criminal-nature-global-security-implications-illegal-wildlife-tra-0>>.

<sup>16</sup> Johan Bergen, Rachel Stohl and Ochieng Adala. (9 August 2013) "Killing Lions, Buying Bombs." *The New York Times*. <[http://www.nytimes.com/2013/08/10/opinion/killing-lions-buying-bombs.html?\\_r=1](http://www.nytimes.com/2013/08/10/opinion/killing-lions-buying-bombs.html?_r=1)>; Ramy Srouf. (11 January 2014) "Wildlife Poaching Thought to Bankroll International Terrorism," *Inter Press Service*. <<http://www.ipsnews.net/2014/01/wildlife-poaching-thought-bankroll-international-terrorism/>>; Khristopher Carlson, Joanna Wright and Hannah Donges. (2015) "In the Line of Fire: Elephant and Rhino Poaching in Africa." In: *Small Arms Survey 2015*. Geneva, Graduate Institute Geneva. pp. 15-17; Taylor Toeka Kakala. (25 July 2015) "Soldiers Trade in Illegal Ivory." *Inter Press Service*. <<http://www.ipsnews.net/2013/07/soldiers-trade-in-illegal-ivory/>>.

<sup>17</sup> e.g. Rosaleen Duffy et al. (2015) "Towards a new understanding of the links between poverty and illegal wildlife hunting." *Conservation Biology*. Accepted Article; Rosaleen Duffy et al. (2015) "The militarization of anti-poaching: undermining long term goals?" *Environmental Conservation*. 42(4). pp. 345-348; Natasha White. (2014) "The 'White Gold of Jihad': violence, legitimisation and contestation in anti-poaching strategies." *Journal of Political Ecology* 21. pp. 452-474; Jasper Humphreys and MLR Smith. (2014) "The 'Rhinofication' of South African Security." *International Affairs*, 90(4). pp. 795-818; Daniel Stiles. (9 November 2013) "The Ivory War: Militarized Tactics Won't Work." *The Conversation*. <<http://theconversation.com/the-ivory-war-militarised-tactics-wont-work-19164>>; Mike Pflantz. (2 March 2014) "The Ivory Police." *Christian Science Monitor*. <<http://www.csmonitor.com/World/Africa/2014/0302/The-ivory-police>>; Rosaleen Duffy. (2014) "Waging a War to Save Biodiversity: The Rise of Militarized Conservation." *International Affairs*. 90(4). pp. 819-834; Tom Odula and Jason Straziulo. (27 August 2014) "Corrupt Kenyan Rangers Murdered Poachers To Cover Up Ivory Trafficking, Report Alleges." *Huffington Post*. <[http://www.huffingtonpost.com/2014/08/27/kenyan-rangers-poaching\\_n\\_5723970.html](http://www.huffingtonpost.com/2014/08/27/kenyan-rangers-poaching_n_5723970.html)>.

<sup>18</sup> Kizito Makoye. (2014) "Anti-poaching Operation Spreads Terror in Tanzania." *Inter Press Service*. <<http://www.ipsnews.net/2014/01/anti-poaching-operation-spread-terror-tanzania>>; Fumbuka Ng'wanakilala. (2013) "Tanzanian President Sacks Four Ministers over Poaching Abuses." *Reuters*. <<http://www.reuters.com/article/2013/12/21/us-tanzania-politics-idUSBRE9BK04X20131221>>; Nikhil Acharya & Arthur Muhlen-Schulte. (2016) "The Final Round: Combating Armed Actors, Organized Crime and Wildlife Trafficking." BICC Policy Brief 3/2016. <<https://www.bicc.de/publications/publicationpage/publication/the-final-round-combating-armed-actors-organized-crime-and-wildlife-trafficking-648/>>; Legal and Human Rights Centre. (2015) *Operesheni Tokomeza Ujangili Report 2014*.

<<http://www.humanrights.or.tz/downloads/tokomeza%20repot.pdf>>.

<sup>18</sup> Tom Odula and Jason Straziulo. (27 August 2014) "Corrupt Kenyan Rangers Murdered Poachers To Cover Up Ivory Trafficking, Report Alleges." *Huffington Post*. <[http://www.huffingtonpost.com/2014/08/27/kenyan-rangers-poaching\\_n\\_5723970.html](http://www.huffingtonpost.com/2014/08/27/kenyan-rangers-poaching_n_5723970.html)>.

<sup>19</sup> Khristopher Carlson, Joanna Wright and Hannah Donges. (2015) "In the Line of Fire: Elephant and Rhino Poaching in Africa." In: *Small Arms Survey 2015*. Geneva, Graduate Institute Geneva. pp. 27-28; Dilys Roe et al. (2014) *The Elephant in the Room: Sustainable Use in the Illegal Wildlife Trade Debate*. London: International Institute for Environment and Development; Overseas Development Institute. (2011) *Sustainable Natural Resource Management in Namibia: Successful Community-based Wildlife Conservation*. London, ODI; Peter Gettleman. (31 December 2012) "Notorious Poacher Now Leads a Fight to Save Africa's Elephant." *Sydney Morning Herald*. <<http://www.smh.com.au/world/notorious-poacher>>.

now-leads-a-fight-to-save-africas-elephants-20121230-2c1ix.html>; IRDNC. (2011) *Community-based Natural Resource Management Lessons from the Field: IRDNC's Experience in Namibia*.

<<http://www.irdnc.org.na/download/IRDNC%20-%20Lessons%20from%20the%20Field.pdf>>; Chris Ocowun. (22 August 2010) "Nebbi Chiefs Disarm Poachers." *New Vision*.

<<http://allafrica.com/stories/201008230873.html>>; John Kasaona. (June 2010) "How poachers become caretakers." *TED*.

<[https://www.ted.com/talks/john\\_kasaona\\_from\\_poachers\\_to\\_caretakers/transcript?language=en](https://www.ted.com/talks/john_kasaona_from_poachers_to_caretakers/transcript?language=en)>; Northern Rangelands Trust. (18 April 2009) "Planned grazing to reduce conflict."

<<http://northernrangelands.wildlifedirect.org/2009/04/18/planned-grazing-to-reduce-conflict>>.

<sup>20</sup> Achim Steiner in: Christine Nellemann, et al. (Eds). (2014) *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*. Nairobi, UNEP. p. 4.

<sup>21</sup> Grace Zhao. (24 July 2014) "Why Wildlife Trafficking and Anonymous Companies Are Mutually Inclusive." *Global Financial Integrity*. <<http://www.gfintegrity.org/wildlife-trafficking-shell-companies-inclusive/>>.

<sup>22</sup> Carey L. Biron. (29 April 2013) "U.N. Recognises Wildlife Trafficking as 'Serious Crime.'" *Inter Press Service*. <<http://www.ipsnews.net/2013/04/u-n-recognises-wildlife-trafficking-as-serious-crime/>>.

<sup>23</sup> Khristopher Carlson, Joanna Wright and Hannah Donges. (2015) "In the Line of Fire: Elephant and Rhino Poaching in Africa." In: *Small Arms Survey 2015*. Geneva, Graduate Institute Geneva. pp. 14-16; National Public Radio. (2013) "The enemy inside: Rhino's protectors sometimes aid poachers." <<http://www.npr.org/sections/parallels/2013/05/14/183914773/The-Enemy-Inside-Rhinos-Protectors-Sometimes-Aid-Poachers>>.

<sup>24</sup> Pamela McElwee. (2012) "The Gender Dimensions of the Illegal Trade in Wildlife." In: Maria Luz Cruz-Torres and Pamela McElwee (eds). *Gender and Sustainability: Lessons from Asia and Latin America*. Tucson, University of Arizona Press. pp. 71-96.

<sup>25</sup> INTERPOL. (2015) "Environmental Crime and its Convergence with other Serious Crimes." <<http://www.interpol.int/Media/Files/Crime-areas/Environmental-crime/INTERPOL-Strategic-Report-Environmental-Crime-and-its-Convergence-with-other-Serious-Crimes/>>.

<sup>26</sup> Julian Rademeyer. (2011) "Sex workers used to 'hunt' rhino." *News24*. <<http://www.news24.com/SouthAfrica/News/Sex-workers-used-to-hunt-rhino-20110722>>.

<sup>27</sup> Jim Igoe. (2003) *Conservation and Globalization: A Study of National Parks and Indigenous Communities from East Africa to South Dakota*. Boston, Cengage Learning. p. 27.

<sup>28</sup> Nikhil Acharya & Arthur Muhlen-Schulte. (2016) "The Final Round: Combating Armed Actors, Organized Crime and Wildlife Trafficking." BICC Policy Brief 3/2016.

p.<<https://www.bicc.de/publications/publicationpage/publication/the-final-round-combating-armed-actors-organized-crime-and-wildlife-trafficking-648/>>; Legal and Human Rights Centre. (2015)

*Operesheni Tokomeza Ujangili Report 2014*.

<<http://www.humanrights.or.tz/downloads/tokomeza%20repot.pdf>>.

<sup>29</sup> Khristopher Carlson, Joanna Wright and Hannah Donges. (2015) "In the Line of Fire: Elephant and Rhino Poaching in Africa." In: *Small Arms Survey 2015*. Geneva, Graduate Institute Geneva.

<sup>30</sup> Khristopher Carlson, Joanna Wright and Hannah Donges. (2015) "In the Line of Fire: Elephant and Rhino Poaching in Africa." In: *Small Arms Survey 2015*. Geneva, Graduate Institute Geneva. pp. 10, 18.

<sup>31</sup> For further similar recommendations, see: Nikhil Acharya & Arthur Muhlen-Schulte. (2016) "The Final Round: Combating Armed Actors, Organized Crime and Wildlife Trafficking." BICC Policy Brief 3/2016.

<<https://www.bicc.de/publications/publicationpage/publication/the-final-round-combating-armed-actors-organized-crime-and-wildlife-trafficking-648/>>.

<sup>32</sup> e.g. Roy Isbister and Kloe Tricot O'Farrell. (2014) "EU reporting on arms transfers: calling for greater transparency." <<http://www.saferworld.org.uk/news-and-views/comment/127-eu-reporting-on-arms-transfers-calling-for-greater-transparency>>.

<sup>33</sup> Nikhil Acharya & Arthur Muhlen-Schulte. (2016) "The Final Round: Combating Armed Actors, Organized Crime and Wildlife Trafficking." BICC Policy Brief 3/2016.

<<https://www.bicc.de/publications/publicationpage/publication/the-final-round-combating-armed-actors-organized-crime-and-wildlife-trafficking-648/>>.

<sup>34</sup> Abdul Karim Issifu. (2016) "Local Peace Committees in Africa: The Unseen Role in Conflict Resolution and Peacebuilding." *Africology: The Journal of Pan African Studies*. 9(1). pp. 141-158.



---

<sup>35</sup> e.g. Rosie Cooney, et al. (Early View 2016) "From Poachers to Protectors: Engaging Local Communities in Solutions to Illegal Wildlife Trade." *Conservation Letters*.

<sup>36</sup> Northern Rangelands Trust. (2015) "Ethnic Conflict and Peace Building 2015 Report." <[http://static1.squarespace.com/static/5653e896e4b0a689b3fafd97/t/573437a501dbaeb1cc5258d6/1463039943552/NRT\\_PPT\\_Peace+Report+2015-web.pdf](http://static1.squarespace.com/static/5653e896e4b0a689b3fafd97/t/573437a501dbaeb1cc5258d6/1463039943552/NRT_PPT_Peace+Report+2015-web.pdf)>.

<sup>37</sup> Cornelius Korir. (2009) *Amani Mashinani (Peace at the Grassroots): Experiences of Community Peacebuilding in the North Rift Region of Kenya*. Eldoret: Catholic Diocese of Eldoret.

<sup>38</sup> Control Arms. (20 June 2016) "Strategising for #ArmsFreeAfrica in East and Horn of Africa." <<http://controlarms.org/en/news/strategising-for-armsfreeafrica-in-east-and-horn-of-africa/>>.

<sup>39</sup> Whitley Fund for Nature. (2014) "Paula Kahumbu." <<http://whitleyaward.org/winners/hands-off-our-elephants/>>.

<sup>40</sup> e.g. Kathleen Garrigan. (1 July 2016) "Worth more alive." *msafiri*. <<http://www.msafirimag.com/featured-article/worth-more-alive/>>.

<sup>41</sup> Legal and Human Rights Centre. (2015) *Operesheni Tokomeza Ujangili Report 2014*. <<http://www.humanrights.or.tz/downloads/tokomeza%20repot.pdf>>.