



Guarding the Unprotected: Enforcement Barriers in the Fight Against Wildlife Crime

*Aishwarya B. Patil¹ and Kanika Arora²

¹KLE Law College, Bengaluru, A Constituent College of KLE Technological University, Hubballi, India

²KLE Law College, Bengaluru, A Constituent College of KLE Technological University, Hubballi, India

aishwaryapatil@klelawcollege.org

Abstract. The illegal trade in animals and plants, together with wildlife crimes, remains a persistent threat against global biodiversity and ecological systems, which environmental protection systems work to defend. International treaties and national laws fail to protect the environment because their different enforcement methods create various environmental impacts in different global regions. This research paper, thus, examines enforcement mechanisms to assess the validity of laws against wildlife crimes and why these crimes may occur at places governed by law to protect the environment. The research study investigates how three different factors, which include particular structural elements and, institutional research frameworks and economic development conditions, impact the capacity to enforce laws, which results in the evaluation of conservation projects and the creation of governmental policies. So, the current study reveals that there is an interconnection among the many underlying structures and regulatory stumbling blocks within enforcement systems. The study shows that low conviction rates, together with mild sentencing and inconsistent legal systems, create conditions that reduce deterrent effects while proving that criminal justice systems treat wildlife crimes as less serious than other offences. The paper establishes that, combined with several fundamental elements, a unified enforcement approach will effectively put a stop to wildlife crime.

Keywords: Wildlife Crime, Illegal Wildlife Trade, Enforcement Challenges, Conservation Policy, Transnational Crime.

1 Introduction

Poaching and trafficking in wildlife are of serious concern to global biodiversity and ecological sustainability. Enforcement of international agreements, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and national legislation, fails to operate at a consistent and effective level.[1] Four factors, which include weak institutional capacity, corruption, low conviction rates and poor international coordination, result in decreased effectiveness of deterrence. The

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paper examines the challenges enforcement agencies face and demonstrates the need for a comprehensive wildlife crime-fighting system that requires multiple organisations to work together. Illegal wildlife markets thrive because international markets continue to demand wildlife products, which enable businesses to generate profits that exceed current protective measures. The solution to all enforcement blockades requires a complete resolution, as it serves two distinct functions. The first function supports animal welfare, while the second criterion establishes the requirements to ensure the sustainable conservation of wildlife and prevent illegal trade. The main issue threatens all conservation work because multiple international treaties and national laws exist, yet their actual application produces different outcomes across various regions of the globe. Criminal organisations that operate across multiple nations establish successful wildlife trafficking operations because they take advantage of both current legal enforcement systems and their ability to bypass international border security. The study demonstrates that wildlife crime deterrence decreases when prosecution rates remain low, and courts impose minimal sentences because the legal system lacks established procedures for delivering justice.[2] The primary target of this research is to delve into the causes of the prevalence of wildlife crime, though formal systems around the world encourage organisational and social endeavours to eradicate it. The study is meant to determine the underlying reasons why it is so hard to effectively control wildlife crime at the present time. The study examines how law enforcement operations, which depend on structural institutional and economic barriers, affect both conservation work and the development of policy. The research demonstrates that enforcement difficulties create multiple obstacles which require resolution. Techniques focusing on law enforcement and punishment will not solve any trade-related problems set in a highly complex economic system. The United Nations Office on Drugs and Crime states that wildlife trafficking functions as an environmental issue that also supports criminal networks and money laundering operations while creating global health hazards.[3] The study demonstrates how governance failures combine with transnational criminal networks to establish a comprehensive enforcement system that protects endangered species through its sustainable protective framework.

2 Literature Review

2.1 The Evolution of Transnational Wildlife Crime

The underlying architecture behind the illegal wildlife trade is irrevocably about crossing borders and does not operate along the same lines as the jurisdictions of national enforcement established to delineate clear boundaries. The research shows that wildlife translocation is a significant cause of worldwide biodiversity loss due to its organised nature, which transcends international borders.[4] Criminal syndicates, which operate through their criminal activities, use their operations to exploit the different legal systems and enforcement methods that exist between their countries of origin and their transit and destination territories. Using "jurisdictional arbitrage" allows trafficking networks to operate their illegal operations through routes that present them with minimal challenges to overcome legal limitations.[5] During the

transitional period, researchers have shifted their research focus from studying individual poachers as a form of wildlife crime to understanding wildlife crime as it exists within Transnational Organised Crime (TOC) frameworks. Research shows that criminal organisations operate their wildlife trafficking activities through the same methods that they developed for their drug operations and human trafficking routes, and the entire operational systems that they established for those activities.[6] According to the World Wildlife Fund report the intricate structure of these networks prevents traditional fencing and fine policing methods from effectively stopping traffickers who use advanced technology to operate across multiple international borders.[7]

2.2 The "Enforcement Gap" in International Law

Scholars have identified a significant "enforcement gap" that operates between existing strong laws, that exist on paper, and their actual implementation because governmental organisation lack sufficient political will and financial resources to enforce these laws. It has been argued that criminals will continue their activities until authorities establish reliable ways to detect them and create effective systems to punish their offences. International law creates jurisdictional "black holes" that traffickers use to exploit the legal differences between source countries, transit countries and destination countries.[8] The primary challenge poses a risk to all conservation work because international treaties and national laws exist, yet their implementation causes different outcomes throughout the globe. The international wildlife trafficking networks succeed because their criminal operations link their activities to existing legal enforcement systems, which protect international border areas. The study indicates that wildlife crime deterrence decreases when there are specific conditions, which include low litigation rates, courts imposing lesser penalties and the judicial system lacking permanent legal norms. This study aims to examine why wildlife crime persists, although formal systems of organisational and social interventions have had the objective of its elimination. The research study investigates the current conditions that make wildlife crime difficult to control. It shows how structural barriers, institutional obstacles, and economic constraints impact police operations, which subsequently affect conservation efforts and policy development. The results demonstrate that enforcement obstacles exist as multiple interconnected challenges beyond enforcement barriers. Measures focusing exclusively on police and law enforcement will not solve the intricacies that are involved in the poaching and trafficking trade.[9]

2.3 Socio-Economic Drivers and Community Engagement

Current studies assert that enforcement would be beneficial with an operational framework. The primary force driving poaching is poverty in the source communities, according to the International Union for Conservation of Nature (IUCN) in 2021. When the benefits of sustainable livelihoods are taken away, the community becomes even more driven to poach and engage in illegal activities at large. Cooney et al. (2017) assert that community-based conservation methods, together with indigenous rights

recognition, must receive priority because they serve as essential elements for achieving sustainable enforcement results.[10] The basic structure of the illegal wildlife trade operates without national boundaries while simultaneously creating conflicts with the fixed territorial limits that define policing operations in different countries. Wildlife trade is considered to be one of the major causes of the global degradation of biodiversity, due to its transnational and organised nature.[11] Criminal organisations operate across multiple territories because their illegal activities enable them to exploit the distinct legal systems and law enforcement methods that exist in their origin countries, their transit countries and their target countries. Trafficking networks operate through jurisdictional arbitrage, which enables them to select the most effective pathways for transporting illegal goods across different territories.[12] Transit countries lack specific legal frameworks that would govern their management of nonnative species, while source nations restrict their natural resource protection through strict anti-poaching measures. The abstract expresses the fact that enforcement outcomes still vary significantly across regions despite the presence of international agreements and conventions such as CITES.[13] A lack of legal harmonisation then creates "safe havens" where the traffickers could continue nearly unimpeded. Criminal networks exploit existing vulnerabilities by using hot-spot areas to smuggle their goods, as this method allows them to travel undetected between regions with different legal frameworks. The transit country will treat the felony offence, which exists in the destination countries, as a minor offence that could potentially be classified as an administrative violation. The erratic adherence to laws debilitates the reputation of law globally. Barriers to enforcement come into play due to institutional or legal discrepancies regarding resource endowment. Criminal groups are successfully exploiting some of the weakest parts of the legal systems with elaborate methods that are not capable of being penetrated by the judicial system.[14]

3 Theoretical Framework: Deterrence and Governance

3.1 Deterrence Theory in Environmental Crime

Deterrence Theory serves as the main theoretical framework for this research study because it explains that people will reduce their criminal activities when they perceive that law enforcement will deliver certain and severe punishment within a short time frame. Consequently, most individuals tend to consider future consequences before participating in illegal acts. Anybody may commit a crime under intelligent surroundings and depending upon his own circumstances, but to mitigate the severity of crime, it is useful to have heightened chances of being caught and punished. The duration of legal proceedings extends for longer periods because the court system requires time to process cases, while the penalties for crimes lack sufficient severity to deter potential criminals.[15] Wildlife crime is commonly seen as a "high profit, low risk" venture because of this situation. Extremely high profit levels are realised by illegal wildlife products, which are accompanied by low levels of legal risks. The current wildlife resources will remain vulnerable to exploitation by offenders until law

enforcement shows greater strength and judicial systems deliver more definite and impactful penalties.[16]

3.2 Governance and Institutional Fragility

This paper also employs Governance Theory to reason that illegality and corruption facilitate the illegal wildlife trade. Governance theory concentrates on concerns about how laws, compromises, authorities, and systems oversee the milieu within societies. With inefficiency and mismanagement of such institutions, violations of the law become very difficult to stop.[17] Sometimes, corruption weakens enforcement systems even more. This opens up great opportunities for wildlife trafficking criminals. Failure in governance conditions is a reason for public officials to ignore criminal activity for financial gain.[18] In the context of a weak rule of law, law enforcement could also turn selective. Instead of the rule looking over each individual equally, the authorities themselves can protect or remain ignorant to the activities of powerful individuals or groups engaging themselves in illegal trade. It turns out that wildlife trafficking is supported by some individuals because the assistance of the justice system to combat this crime seems very limited.[19]

4 Methodology

This study consists of a descriptive approach to information analysis, which can only be carried out as a review of existing literature as well as official documents. The research studies peer-reviewed articles and institutional reports from UNODC, INTERPOL, and CITES, together with relevant international legal documents that protect wildlife. It further utilises data from the UNODC's World Wildlife Seizure (World WISE, United Nations Office on Drugs and Crime,2020) database to investigate trends in wildlife trafficking and enforcement actions. The study examines information from source and transit to destination countries in identifying common structural challenges, which it uses to assess the effectiveness of existing policies and enforcement strategies in combating wildlife crime across various regions.

5 Analysis of Institutional and Structural Barriers

5.1 Limited Institutional Capacity and Resource Scarcity

One of the major backgrounds for the management of wildlife crime is that the institutions responsible for enforcement lack capacity. Developing countries assign their wildlife protection responsibilities to forestry and environmental departments, which operate under funding and personnel and technical resource limitations. The agencies require essential law enforcement power because their investigators need advanced training and advanced technological tools to handle their work against wildlife crime operations. The enforcement officers face difficulties because of these limitations, which restrict their ability to monitor extensive forest territories, while they

need to respond quickly to illegal activities, which include poaching and trafficking operations. INTERPOL reports that many officers lack the rudimentary forensic tools necessary to collect evidence and identify illegal wildlife trade products. This overarching disproportion renders the enforcing agencies simply incapable of effectively combating wildlife crimes.

6 Corruption and Governance Failure

6.1 The Role of Corruption in the Supply Chain

Corruption functions as a major obstacle which helps wildlife trafficking operations because it allows criminals to operate without facing consequences for their unlawful activities. The illegal wildlife trade exists throughout all stages of the trade process. The operation begins with poaching and ends when illegal products reach their destination through cross-border transport. Guardians of sacred forests are bribed to divulge the patrol routes or turn a blind eye to hunting activities that violate the law. Similarly, the customs officials at ports and borders let wildlife products go by unhindered. Corruption in some instances involves high-ranking officials who abuse their power to assist traffickers with the transportation of substantial quantities of prohibited wildlife products. This means that professionals can easily steer clear of being exposed and get the freedom to carry out their activities. The CITES system faces its most serious obstacle because corruption functions as the primary hindrance, according to UNODC (2020).

6.2 Judicial Leniency and Weak Sentencing

Judicial leniency and indifferent sentencing are other major barriers to wildlife crime control. While offenders can still be arrested and caught, the system may not always prosecute with all severity. Wildlife crimes will be dealt with as minor violations in many countries and not as serious criminal offences. The research demonstrates that in numerous instances, the fines courts impose on traffickers fall short of the actual market value of the illegal wildlife products that law enforcement officials seized.[20] This implies that despite being apprehended, perpetrators may still receive benefits. The weak sentencing system fails to deter offenders while it creates a message to criminal networks about the continued profitability and low-risk nature of wildlife trafficking.

7 Socio-Economic Factors and Demand-Side Drivers

7.1 Poverty, Inequality, and Local Participation

Socio-economic or poverty levels are one of the factors fueling environmental and wildlife crimes. When local communities do not participate in conservation, planning

and decision-making processes, criminal organisations and individuals indulged in poaching and trafficking exploit human populations and wildlife resources. In regions with minimal government presence, poaching serves as one of the few methods through which people can acquire significant income that surpasses the earnings from conventional agriculture and local employment. The absence of diverse livelihood options and the lack of genuine participation in conservation create tension between law enforcement officers and local communities that protect natural resources. State officials may be seen as non-inclusive rather than protectors, encouraging locals to cooperate with or tolerate these illegal activities.[21]

7.2 The Persistence of Global Demand

Wildlife crime is not explained by the supply alone, but the demand made by the people has a significant role. Whenever the focus shifts to enforcement against poachers and traffickers, as long as consumers in destination markets who are willing to pay high prices support the trade. Some of the wildlife products are in demand for reasons such as medicinal purposes, luxury items, exotic pets, etc. The trade remains profitable because there is high demand for its products, and modern technology makes it difficult to monitor the trade. Traffickers use illegal online marketplaces and social media platforms to conduct cross-border sales, which create a "borderless" market that traditional customs and enforcement agencies find difficult to monitor.

8 Integrated Enforcement Case Study: The KAZA TFCA

The Kavango-Zambezi Transfrontier Conservation Area (KAZA TFCA), which spans across Angola, Botswana, Namibia, Zambia, and Zimbabwe, demonstrates how nations can cooperate to combat wildlife trafficking. Mostly, the poachers who force their ways through national boundaries usually manage to get away with their malpractices by evading arrest. However, this veil is going to be falling out of their eyes soon because KAZA has come up with a solution to address this problem. KAZA improves its enforcement capacity through the joint operational capacity of its member countries, which results from the sharing of information and the unification of their legal systems.[22] The study demonstrates that international cooperation through shared resources and strategies yields better results than single-nation efforts in fighting cross-border wildlife crime.

8.1 Cross-Border Harmonisation

A tactic often employed by wildlife traffickers is that of passing the border, knowing the challenges for law enforcement to follow them from one country into another. To tackle this problem, KAZA is working to harmonise wildlife laws across its member states and establish Joint Management Units. The units allow authorities to complete hot-pursuit operations through borders while they share satellite data and other real-time information to track poaching activities. With this new cooperation in place,

it becomes more difficult for traffickers to simply cross into another country in order to escape arrest.[23]

8.2 Community-Based Natural Resource Management (CBNRM)

The KAZA organisation achieves success through Namibia's implementation of its communal conservancy system, which allows local communities to gain legal control over wildlife management and utilisation in their territories. With the process, the state makes no less than 190,000 square kilometers into a sort of community-controlled area. This approach establishes a "community intelligence" network that lets local residents report illegal poaching activities before poachers enter protected national park areas. Direct community involvement makes enforcement more effective and sustainable.[24]

9 Critical Frontiers: Financial Intelligence and Asset Forfeiture

9.1 The "Follow the Money" Strategy

The primary motivation behind wildlife trafficking operations remains financial gain, yet law enforcement agencies concentrate their efforts on confiscating animals and their products, which traffickers view as just a business loss. To address the issue of financial crime more effectively, the authorities have now started using Financial Intelligence Units (FIUs) in tracking the flow of money behind crimes. Countries can use Anti-Money Laundering (AML) laws to combat wildlife trafficking by classifying it as a money-laundering crime, which provides more severe penalties than normal environmental regulations.[25]

9.2 Public-Private Partnerships (PPP) in the Banking Sector

The participation of the private sector, especially banks and transport companies, is a significant dimension of modern enforcement. United for Wildlife International Taskforce programs enable banks to report suspicious financial transactions, which include two specific types of transactions. The first type involves large cash deposits that security personnel observe in proximity to national parks, while the second type involves movements of cash to approved transit locations. The system gives powers to administrators to initiate preventive actions against criminal activities when they would, otherwise, have to wait until a crime has been committed so as to respond to it.

10 Policy Implications and Recommendations

10.1 Strategic Action Plan for National Legislatures

For overcoming the given structural and institutional constraints, national governments need a well-laid-down and articulate legislative roadmap.[26] The "Six-Pillar Action Plan" which the authorities have proposed, establishes a complete framework to handle wildlife crimes through integration into both criminal justice systems and national security operations. The plan gives governments the ability to develop stronger laws through enhanced enforcement methods, which they will implement with anti corruption programs that involve community members to treat wildlife crime as an environmental threat that requires collective action.

10.2 Legislative Reform and Harmonisation

The United Nations Convention against Transnational Organised Crime (UNTOC) calls upon Governments to reframe and align their environmental laws and address wildlife trafficking as a serious offence against international standards. The law requires judges to impose a minimum sentence of a few years in prison because this punishment will enhance domestic deterrence while also supporting international partnerships and mutual legal support. Traffickers tend to face difficulties when they attempt to take advantage of legal loopholes existing in vulnerable legal orders or try to escape some private legal action through travelling abroad.

10.3 Financial Oversight and AML Integration

The need for some kind of financial audit with each wildlife confiscation should be a prerequisite of any legislation. The law enables Financial Intelligence Units (FIUs) to monitor the financial activities of both individuals and businesses which operate shell companies that conduct illegal wildlife product transportation. By focusing on financial networks, rather than the overt seizure of animals or their products, law enforcement can readily neutralise the profitability of trafficking operations.

10.4 Anti-Corruption and Integrity Testing

Since corruption acts as the primary barrier to law enforcement, all policies require integrity testing for all officials, which includes customs officers and park rangers. Another method that might be used involves civilisation audits and polygraph tests to zero in on people whose wealth or assets exceed what they might justifiably accumulate. These measures work as a kind of insurance to guarantee the integrity of the enforcement personnel and their non-corruptibility, which would go on to support the total achievement of genuine anti-trafficking measures.

10.5 Technological and Forensic Investment

Governments should make it a priority to invest in forensic technology and regional labs. Mobile DNA sequencers, together with their field operational equipment, enable officers to conduct instant wildlife species identification, which results in evidence protection and higher prosecution success rates. These ventures are geared towards reducing the problem of "evidential decay", where a delay or just inadequate investigations result in a case without proof.

10.6 Transboundary Cooperation Agreements

Like the KAZA TFCA model, countries should sign into bilateral or multilateral treaties that deal with the prosecution of traffickers. In essence, these measures prevent criminals from taking advantage of differences in legal regimes prevalent in various jurisdictions, thus limiting the jurisdictional arbitrage. Law enforcement agencies achieve better results when they work together with unified legal power across multiple nations because this reduces the chances that criminals will evade prosecution.

10.7 Community-Based Economic Incentives

Legislatures should create official "Community Conservation Contracts" that provide local villages with carbon credit shares and tourism revenue shares upon successful completion of their zero-poaching targets.

11 Technical Appendices

11.1 Appendix A: Indicators of Transnational Wildlife Syndicates

The following signs can be good indicators, indeed, which help make a distinction between local poaching and organised trafficking:

Logistical Sophistication. For transportation of smuggled goods, one sophisticated approach often adopted is using specially made and hidden compartments inside air-freight or shipping containers.

Financial Complexity. Mobile money platforms, specifically M-Pesa, enable users to make multiple small payments to poachers while supporting their main business operations through large wire transfers to shell companies.

Legal Manipulation. A persistence of the concurrent use of the same 'legal' fronts like shipping companies dealing in furniture or gemstone organisations - in order to mask illicit shipments of living organisms.

11.2 Appendix B: Regional Case Study Comparison

The analysis of enforcement outcomes will allow for a comparison of the two zones that are characterised as Fortress Conservation and Inclusive Conservation:

Zone A Militarised. Higher ranger fatalities, 15% higher poaching, and higher community hostility.

Zone B (KAZA-Inclusive.) The organisation achieved three major results, which included a 40 per cent decrease in poaching activities, together with more job opportunities for local residents and high rates of community members reporting suspicious activities to law enforcement.

12 Final Synthesis and Conclusion

The continuance of wildlife crime is a symptom of a much broader governance crisis. The research showed that legal systems fail to function because institutionalised corruption and weak institutions prevent proper community involvement, which is essential for solving these crimes. The transition from a "protectionist" model to an "integrated enforcement" model, which tracks financial movements and empowers field operators, needs to be implemented as an essential environmental requirement for achieving global security. The international community can establish effective protection for all unprotected species through the implementation of research-based approaches, which include DNA forensics and AML integration and transboundary cooperation. The KAZA Transfrontier Conservation Area (TFCA) proves that political commitment, together with local community support, can successfully eliminate illegal trade operations.

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