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Barriers to Compliance with CITES: A Qualitative Study of Wildlife Crime in Colombia

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Declaration

I, Hannah Ljøner Hagen, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

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Date: 14.06.2019

Abstract

Transnational environmental crime is increasingly threatening livelihoods, biodiversity, security and peace globally. The illegal trade in wildlife constitutes a considerable part of these threats, and is estimated to be the second largest illegal trade in the world. The principle and most established multilateral institution to regulate trade in wildlife is the Convention on the International Trade of Endangered Species of Wild Flora and Fauna (CITES), which was enacted over four decades ago. It is generally regarded as one of the most successful treaties concerning conservation to date. Yet, the illegal trade in species listed on the CITES- appendices continue to grow. Colombia is one of the most biodiverse countries on earth, and home to a number of protected species that face threats from illegal wildlife trade. How CITES is implemented and enforced in Colombia is arguably paramount in protecting vital ecosystems. This thesis seeks to understand the structural barriers to compliance with the convention in the Colombian context, and how the illegal wildlife trade thrives alongside its legal counterpart. It investigates drivers of illegal wildlife trade, such as poverty alleviation, indigenous and rural peoples rights, exclusion from political processes and discrimination. This research aims to highlight barriers to CITES through an institutional analysis approach with the reference frame of green criminology. Through qualitative field work in Colombia and critical investigation of CITES, I identify key stakeholders and victims of wildlife crime. Further, the research finds that Colombia lacks an array of core institutional strengths in order to comply with CITES. Conversely, I argue that CITES relies on structures that are easy to circumvent for criminal actors. This puts the convention at risk of being institutionally inadequate to deter illegal wildlife crime.

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List of Acronyms:

| | |
|------------------|--|
| AAF | Amazon Andes Fund |
| CITES | Convention on the International Trade of Endangered Species of Wild Flora and Fauna |
| COP | Conference of Parties |
| EIA | Environmental Investigation Agency |
| EU | European Union |
| FAO | Food and Agriculture Organization of the United Nations |
| GC | Green Criminology |
| IA | Institutional Analysis |
| ICCWC | International Consortium on Combating Wildlife Crime |
| Inf. Doc. | Information Document |
| INTERPOL | International Police Organization |
| IPBES | Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services |
| IUCN | International Union for Conservation of Nature |
| IWT | Illegal Wildlife Trade |
| REIO | Regional Economic Integration Organization |
| SINAP | Sistema Nacional de Áreas Protegidas |
| UN | United Nations |
| UNDRIP | Universal Declaration on the Rights of Indigenous Peoples |
| UNEP-WCMC | United Nations Environment Programme World Conservation Monitoring Centre |
| UNODC | United Nations Office on Drugs and Crime |
| UNSC | United Nations Security Council |
| WBG | World Bank Group |
| WCO | World Customs Organization |

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Chapter 1. Introduction

Environmental crime is considered to be the fourth largest illegal market in the world. The combined worth is estimated to amount to an annual US\$ 91-258 billion, and it is described as a crime sector that has skyrocketed in the past few decades (Nelleman et.al., 2016).

Environmental crime poses a new paradigm of threats towards the very basis of social and economic development. It is a broad encompassing and far-reaching sector, in which illegal trade of wildlife is just one. Others include corporate forest crime, illegal fisheries, disposing of chemical waste, illegal mining and threat finance (using wealth generated from natural resources to fund armed groups and/or terrorist groups).

According to the International Criminal Police Organization (INTERPOL) and United Nations Environment Programme (UNEP), environmental crime is rapidly expanding, and no longer only poses a threat to wildlife populations, but to entire ecosystems, impeding revenue streams to governments, and sustainable livelihoods globally. This is underpinned by loss of income from tourism and legitimate trade, and disruption of species that comprise healthy ecosystems (Nelleman et.al, 2016). The illegal wildlife trade (IWT) of flora and fauna comprises only a percentage of the overall environmental crime sector, yet it is estimated to be the second largest illegal trade worldwide (Sollund, 2013; Roe, 2015). IWT has developed from being based on individual actors' quest for fast cash, to an interconnected international web of crime, and a highly adaptable activity. As law enforcement efforts have success in deterring trade in one species, the criminal actors involved can swiftly provide a supply of new-emerging threatened species, making the effort of control and prevention increasingly complex. Moreover, revenue from IWT has been proved to finance armed terrorist groups and militant gangs, which, in addition to severely threatening the survival of critical biodiversity, has posed a strain on national and international security (Roe, 2015:7).

The Convention on International Trade of Wild Flora and Fauna (CITES) is an example of a transnational effort to curb wildlife trade and maintain sustainable populations of flora and fauna . The convention was written by initial parties in 1973, and counts today 183 members, comprised by either states or regional economic integration organizations (REIO), such as the European Union (EU). The convention text reads that flora and fauna is an irreplaceable part of the earth's systems, and must be protected for this and the generations to come.

Followingly, it recognizes the economic, as well as the aesthetic, cultural, scientific and

recreational value that calls for protection by people and states, and that international cooperation is essential for protecting wild species against over-exploitation through trade. (CITES preamble, 1973). CITES is currently the main agreement that controls and permits international trade of wildlife, and works with governments and civil society worldwide in order to be implemented, visible and operative.

As the illegal wildlife trade sector evolves to avoid law enforcement efforts, so has the geographical space in which it operates in. In Colombia, the seizure of illegally traded species or derivatives from such has increased in recent years (Asprilla-Perea et.al., 2013). Most of these species are categorized as under some level of threat, ranging from vulnerable to critically endangered. Coupling a history of internal conflict with rich biological diversity and vast forest areas, it is a country that has documented problems in implementing environmental laws (van der Hammen, 2003; Piotrowski, 2019). In addition, Colombia is home to a number of indigenous and other ethnic groups that differ greatly in language and cultures. Their interaction with wild species differ, and may also present complications with the protection of these species. There are many factors that make Colombia a specially interesting case study for wildlife trade and CITES legislation. I will therefore outline three of the main aspects that prompted me to devote my research to the Colombian context.

i) It's position as one of the most biologically rich countries in the world makes it arguably a bigger target now that the most sought-after species in illegal trade has shifted to smaller species, and away from previously iconic larger species. The government of Colombia has stated that around two thousand species of fauna are close to extinction (minambiente.gov.co, n.d.), among them birds, mammals, amphibians and reptiles. ii) Another case in point is the arms trade and drug trafficking that has ravaged the country for decades, suggesting an already established network of criminals that are prone to embark on the illegal wildlife trade when efforts to combat other crimes have been high on the international agenda (Proaves, 2010; INTERPOL, 2016). iii) A third element is the widespread human population in relatively unmonitored geographical areas, which often lacks fundamental institutions that plausibly are crucial, if CITES is to be complied with. It is known that local communities, and indigenous especially, are severely affected by depletion and instability of livelihoods, of which wildlife constitutes a great part. Furthermore, they can be negatively influenced and affected by militarised responses to wildlife crime, and by the criminal actors involved (Roe, 2015:8). Peasant communities and indigenous lands are often situated far from the reach of

developed institutions such as police and education systems. According to van der Hammen, the *resguardos Indigenas* in Colombia, while forming a part of planned decentralizing policies, lack many of the political and administrative implications of such decentralizing policies (van der Hammen, 2003). Communicating the importance of environmental legislation and abiding by such is therefore proven to be a challenge in these areas, nevertheless in Colombia where a rich biodiversity is faced with systemic social and economic inequality (van der Hammen, 2003; Roe, 2015).

I am thus interested in how institutions, in this case a multilateral convention, can help us deter the imminent crisis of biodiversity loss. The increasing globalization and advanced technological resources utilized by criminal groups challenge CITES' effectiveness. Towards the end of the process of writing this thesis, a new UN-report came out (carried out by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, IPBES), stating that we are at the brink of extinction of nearly one million species. The consequences are unprecedented in human history. Interestingly, the report is the first of its kind and scale that is partly drawn on indigenous and local knowledge, a dimension regarded invaluable for improved collaboration (IPBES, 2019). The role and impact of indigenous and rural communities in Colombia is given considerable attention throughout this thesis. Enabling CITES to function at its full potential requires deliberate reflection on the interplay between the rising challenge of preventing IWT in an increasingly sophisticated criminal network and the vulnerability of various social groups in Colombia. An improved framework and collective efforts to implement CITES is undoubtedly necessary. It calls for a more concrete identification of which factors actually stand in the way for compliance.

The issue of IWT existing alongside and parallel to legal wildlife trade, as regulated in the CITES regime, arguably provokes issues concerning crimes and harm. This raises the need to apply a broader perspective in assessing CITES, beyond that of an institutional analysis. With this in mind, I have chosen to analyse institutional role of CITES through the lense of green criminology (GC) as an attempt to better understand the complexity of the topic. I will identify the main drivers of IWT in Colombia and analyse them within the reference frame of GC. This investigation will followingly address the main obstacles to compliance with CITES. With the aim of providing some insight to whether CITES as an institution is sufficiently addressing systemic barriers to compliance, I will explore the potential

shortcomings of the convention. Lastly, an assessment of the main criticisms to CITES, and how they might contribute to the convention as a tool to combat IWT will be made use of.

1.1 Problem Statement

The multilateral convention of CITES has as a mandate to protect sustainable levels of wildlife from over-exploitation through trade. The illegal trade of wildlife is a significant threat to conservation, and entails vast complications for combating environmental crime. This study will investigate the structural barriers that disable implementation of CITES, and identify main drivers of IWT. Consequently, an analysis of the institutional role of CITES, through the perspective of green criminology is provided. Finally, the thesis will attempt to account for how the preceding findings aid in explaining the shortcomings of the convention.

1.2. Research Objectives

- 1.2.1. Analyze the normative and theoretical framework for CITES as an institution.
- 1.2.2. Address economic, social and cultural drivers of illegal wildlife trade in the case of Colombia
- 1.2.3. Identify and analyze structural barriers to implementation and compliance with CITES

1.3. Research questions

- 1.3.1. Who are the main actors involved in driving illegal wildlife trade, and which societal factors are driving them?
- 1.3.2. Who are the main actors involved in combating illegal wildlife trade?
- 1.3.3. How is CITES perceived in civil society as a tool to protect wildlife?
- 1.3.4. What are the possible organizational, practical and financial shortcomings to the implementation of CITES?

Chapter 2. Thematic Background and Theory

In this chapter, i will present background information and existing literature on the three main pillars on which my topic is based; CITES, Colombia and illegal wildlife trade. This is followed by an introduction to the theories used; institutional analysis (IA) and green criminology (GC). Firstly, I will provide an account of how CITES was developed and how it has changed in correspondence with science and emerging environmental threats. Secondly, I will present the context of Colombia, and why it is serves as a valuable case for studying CITES. I will shed considerable light on how illegal wildlife trade relates to existing social

and economic hardship. This will be done with a particular focus on indigenous and rural communities. Thirdly, I will explain how illegal wildlife trade sector fits within the broader spectrum of environmental crime. Finally, I will present institutional analysis and green criminology.

2.1. Convention on the International Trade of Endangered Species of Wild Flora and Fauna: Its origins and its position today

The original convention text of CITES derived to a certain degree from the paradigm of north/western-western view on conservation and trade regulations. Initially largely banning trade, with much focus on heavy regulations was considered the most effective way to ensure sustainable populations of threatened species (Dickson, 2002; Thompson, 2004). The debate on measures of how to ensure this began already a decade before, in the days of wide independence of African countries from European colonies. The discourse of the origin of CITES stems from the African context, because the discussion on limiting trade as a means of conservation began because of the stark decline of 'charismatic' species, such as the African elephant and the Rhinoceros (Dickson, 2002). With this in mind, the idea was that unsustainable trade would see an upsurge as more African countries gained independence, and a strict prohibition framework set the tone for the original agreement. It is important to note hence, the overweight of western nations having a say in the development of the convention. According to Dickson, the 'charismatic megafauna' played a significant role in attracting attention to the issue of wildlife trade. Simultaneously, it was seen as favourable to create environmentally protected areas (PAs) in order to protect vulnerable species, as the preferred mode of conservation. It was also the common belief at the time that international wildlife trade would indeed be the number one threat to biodiversity, before deforestation, increased livestock agriculture, and habitat loss (Dickson, 2002; Pires and Moreto, 2016; INTERPOL, 2016). These elements contribute to denoting the discourse on which CITES was based.

Eventually this changed. As certain African countries saw themselves left out of the beneficial realms of the convention, they started to pressure CITES from within. This was partly due to how these countries were struggling with social and economic development, and missed out on potential revenue from trade in species that resided within their borders. Moreover, the creation of PAs was having unsocial consequences. Local communities were excluded from their own land, and many people experienced displacement at the expense of

protected areas for conservation purposes. International conservation efforts therefore shifted from PAs to community-based conservation (CBC), enabling people living in proximity to wildlife to partake in conservation and benefit from it. Part of these newfound benefits would derive from trade. As a consequence, trade opened up slightly, under the mandate of aligning conservation with the larger efforts for social and economic development. This can be explained in part by how conservation efforts initially were based upon the expertise of conservationists and biologists.

The original CITES text thus reflects the focus on conservation as separate to social and economic development. But as anthropologists, sociologists and economists later entered the debate on how to best merge the protection of endangered species and livelihoods of people, the complexity of threats facing wildlife was increasingly revealed (Dickson, 2002; Reeve, 2006). This entailed among other things, the acknowledgement that international trade was in fact not the primary threat for species decline, but rather, deforestation and habitat loss was proven to comprise an even greater threat. In sum, these factors made CITES widen its regulation to allow more trade, still with the intent to protect vulnerable populations of flora and fauna. Today, estimates show that legal international wildlife trade accounts to approximately US\$ 324 billion annually, and illegal trade in wildlife accounts to between US\$ 6 billion to US\$20 billion per year (Roe, 2015:8).

In the formulation of the original convention text, CITES parties recognize that they are *“Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;”* (Contracting States of CITES, 1973). CITES has enjoyed praise for being advanced for its abilities in biodiversity protection. Conversely, the lack of the word “intrinsic”, or a synonym, has also been noted by some (Sollund, 2013). Ascribed value to the animal’s own integrity is not amongst the core dimension of CITES. The lack of such an acknowledgement in the convention text will be discussed at later stages in this study.

2.1.1. How does CITES operate?

Looking at the adaptability of CITES and how it has evolved to reflect the issue of the day, it has proven to be quite flexible, which compliments CITES as a valuable instrument to deter unsustainable trade. However, it has also lead to a number of compromising elements, which I will look at more in detail in the analysis chapter. Noteworthy at this stage, is the CITES

structure that divides species under protection in three different categories, where the first category, appendix 1 is the most strict. This appendix includes species threatened with extinction, such as the great panda, elephants, rhinos, the cheetah and tigers. CITES, through biannual Conferences of the Parties (CoP) deciphers which species are under threat, and adjust the appendices accordingly. The appendices do not however, differentiate between levels of threat and geographical occurrences. This means that even though a species is at risk of extinction in one geographical area, but another population exists elsewhere, it does not 'belong' in the 1st appendix. Species listed in appendix 1 can still be exempted from trade restrictions, if objectives for trade are medicinal or scientific for certain human communities (Pires and Moreto, 2016; CITES.org). This means that if a species is traditionally of great importance for livelihoods in for instance, Colombia, and suffers from rapidly declining populations in this particular area, it is not protected by regulations in appendix 1 if the same species exists in abundance elsewhere on the planet. The implications this might have for local livelihoods is under scrutiny and will be discussed further in chapter 6: discussion.

2.1.2. Brief explanation of the convention's trade laws and guidance

Generally, appendix 1 includes species that are threatened with extinction, and trade in these specimens is forbidden, except for in exceptional circumstances. The second appendix includes species that are not necessarily threatened with extinction. Trade regulations on these species are implemented because they may be vulnerable to over-utilization, which is not compatible with their survival (CITES.org). The third appendix includes species that are protected in at least one country. This country has typically asked other CITES parties for assistance in controlling trade in the relevant species.

An import and export permit is required in trade with species under the 1st appendix. These permits are issued by the management authority of the relevant states. A scientific authority of the states must be conferred in order to ensure minimal damage and suitable equipment during trade and in recipient country. For species under the 2nd appendix, only export permits are required. No import permit is required unless required by national law. Species under the 3rd appendix may be traded, granted that an export permit is issued by the management authority of the state. No import permit is required (ibid).

Common for all appendices is that all specimens are only to be traded if they are obtained legally. This in itself is difficult to control in practice, an issue I will return to in further detail

in my analysis. Additionally, common for all appendices is that in the case of live animals and plants, trade requires special preparation for shipment to minimize any risk of injury, damage to health or cruel treatment (ibid).

2.2. Colombia: Why is it interesting in relation to CITES?

When reviewing CITES and its effectiveness in protecting endangered species from illegal trade, I found Colombia to be an interesting and highly relevant case study. There are many reasons for this. Colombia is home to the richest biodiversity in Latin America, and amongst the top five in the world. This makes protection of its wildlife crucial for a vast number of species. For example, Colombia is the South American country with the highest diversity of bird species, which from 2005 to 2009, was one of the most heavily trafficked species in the world. In fact, Moreno (2017) shows that in this period, three of the ten most traded species were birds. These birds are largely attractive on the illegal exotic pet trade market, and kept as cheap pets in rural and suburban communities across South America.

In 2017, approximately 23.000 animals were confiscated from traffickers in Colombia (Rueda, 2018; Nieves, 2019). The actual number of trafficked animals is unknown, and estimates vary. This can be thought to be a rather conservative estimate, as other studies show that an approximate of 58.000 species are seized in Colombia on an annual basis, i.e. 160 seizures per day (Sollund, 2016). The lack of structured procedure to register populations of wild fauna in Colombia problematizes this issue, and scholars have addressed this absence of statistics as a driving factor for why IWT is prone to happen in Colombia. Furthermore, it has been estimated that 80.6% of confiscated wildlife is in a category of threat, on the *Red Listed Species*, a criteria established by the International Union for Conservation of Nature (IUCN) (Asprilla-Perea et.al., 2013). While there is an extensive list of scholarly work conducted to evaluate CITES in countries with a high concentration of iconic mega-vertebrates, as outlined in the introduction, some have also stressed the need to focus on ecosystem-crucial smaller species, of which Colombia is home to a great many (Stoett, 2002). Indeed, this factor that drove me towards choosing Colombia as a case study.

Meanwhile, Colombia's natural environment has long suffered under weak governance and violent internal conflicts between armed guerrillas and paramilitary groups. This latter element has had several indirect consequences for Colombia's forests and wildlife. As explained by Ortiz-von Halle (2018) in his account of illegal trafficking in Colombia, natural

habitats for various species has been encroached upon by farmers who has fled armed groups and were forced to engage in illegal and detrimental activities. Plantations of different illegal crops has spread into previously remote areas which itself has caused increasing deforestation. Furthermore, the tactics to combat such activities has entailed vast use of chemicals-spraying by authorities, which has intoxicated river streams and soils (Ortiz-von Halle, 2018). This again pushes illegal activities further and further into the Colombian pristine forests and causes major detriments to both flora and fauna. The heavy impact these social and economic factors have on one of the world's richest biological treasures has thus been one of the main motivations behind my choice of topic and geographical area for this investigation.

Figure 1. Indications of which species are trafficked in different regions in Colombia.

Source: Semana Sostenible (n.d.)



2.2.1. Indigenous peoples in Colombia

The case of Colombia, with its biological diversity paired with political violence, also needs to be seen against the backdrop of heavy need for economic development. Both legal and illegal mining, mercury production, poaching, hunting, oil and agribusiness expansion all

contribute to the complexity of the challenge of adhering to CITES in Colombia (Ortiz-von Halle, 2018). The aforementioned activities also severely impact indigenous communities, which are known to be the best caretakers of forests in numerous circumstances, and who can, if equipped correctly, be first-class stewards of the protection of natural resources (von der Hammen, 2003; Piotrowski, 2019).

It is to date a long way ahead for the proper investment in indigenous communities in Colombia that enables them to protect their own forests. According to Proaves (2010), illegal trafficking of wildlife in Colombia often starts with peasants or indigenous peoples, who are responsible for initial captures from natural habitats, which puts species on the path towards exploitation by a long chain of illegal actors and traffickers (Proaves, 2010). An elaboration of why and how this is a recurring event in Colombia is what comprises a great deal of my findings, hence a further detailed analysis will follow in later stages of this thesis. It is important to note, however, that while indigenous and peasant communities participate in the illegal wildlife trade, this is a matter of economic survival, and not a deliberate act of environmental crime. Below I provide an account of key information on indigenous communities' position in Colombian legislation;

- The indigenous population of Colombia gained recognition for rights to their own land in 1973, under the Law 89/1980.
- Indigenous and Afro-Colombian traditional communities were granted ancestral rights to use and control their communal forest territories according to their social and cultural values under the 1991 Constitution.
- Approximately 50% of Colombia's forests are titled to the indigenous peoples in what is recognized as "resguardos indigenas". Most of the remainder forest areas are state owned.

(International Institute for Environment and Development (iied), n.d.)

2.3. Illegal Wildlife Trade and the international environmental crime sector

Like many other environmental crimes, illegal wildlife trafficking is to a large extent viewed by perpetrators as low risk and high reward. This can partly be explained by how the combined resources that crucial combat enforcement institutions like CITES, INTERPOL, World Customs Organization (WCO) and UN Office on Drugs and Crime (UNODC) have to

fight IWT, amounts to around US\$ 20 million (numbers from 2016). This compares to the global annual illegal trade worth of US\$91-258 billion (Nelleman et.al., 2016:77). The relatively modest support available to these institutions stands in sharp contrast to their major successes in the field. Moreover, the increasing revelations made that organized crime comprises the majority of the overall IWT, should call for a greater priority and radical strengthening of environmental rule of law, especially in fragile states (ibid).

A sign that this is increasingly addressed by international institutions is a specific recognition in the UN Security Council resolution S/RES/2195, from 2014. In the resolution report, it is stated that wildlife trade in many instances aid terrorist groups, and hence that it must be addressed in a more serious manner than it traditionally has (UNSC 2195). By acknowledging that terrorism can be partly financed by environmental crime, there is reason to believe that the latter will only increase in importance going forward.

Some accounts on how policies can have a positive impact on the moral rationale and thus behavioral change has been made. Such changes are argued as essential for curbing wildlife trade. As explored by Haas and Ferreira (2018), the illegal wildlife trade is composed by a chain of actors, from the ecosystem itself, to poachers, illicit groups running the supply chain, rangers working in wildlife protected areas, anti-trafficking enforcement agencies, the judicial system, and consumers on international levels. They acknowledge that policies are only treating the symptoms of the problem if they do not tackle first and foremost the market and demand, which are often outside the country of species origin. Nevertheless, they look in depth at national policies that may have a positive effect on the ecological conscience held by on-the-ground perpetrators. This is relevant to my study with special regards to my research objectives 1.2.1 and 1.2.2 which looks at the institutional outreach of CITES, and structural factors that drive illegal wildlife trade. As evident from studies by Haas and Ferreira (2018) and Rainforest Alliance (2014), people living in proximity to wildlife and who are often excluded from the urban development, are prone to engage in the illegal wildlife trafficking. This can have various causal explanations, like human/wildlife conflicts, and unclear property-rights.

Reflecting on an extensive body of scholars who have argued that poaching is driven by extreme poverty alleviation, or of pursuit of great wealth, Duffy and St.John (2013) argue that the issue of illegal wildlife trafficking therefore needs to be placed in a broader spectrum

of political efforts. They argue that wildlife trafficking is overwhelmingly placed in the biodiversity and ecological expertise sphere, whereas it could benefit from being tackled in a development/poverty context in a larger extent. Nonetheless, specific policies are indeed needed to tackle the various drivers behind wildlife trafficking, which is challenging in poorly governed environments, and furthermore requires specialized policies for different types of poaching. In the case of Colombia, the term formulated by Duffy and St.John (2013) 'emerging and hybrid form of poachers' is arguably appropriate. Studies by Duffy and St.John (2013) and Roe (2015) show that local communities suffer from the often absent distinction between "crimes of greed" and "crimes of need". Whereas poaching has previously been separated in these blunt categories of subsistence poaching and commercial poaching, a blend of these is increasingly of concern in Colombia. Subsistence poaching is low-scale and generally does not have a detrimental impact on fauna, and consequently should not be tackled as such in the broader judicial environmental criminal policies. Commercial poaching however, is hugely detrimental and undoubtedly driven by a lower sense of ethical orientation towards the natural environment, and causes harm to wildlife and people. This should require different policies and different sanctions.

An emerging hybrid form of poaching is hence, complex to address in effective policies, as it requires developmental, economic, and ecological consideration combined with political force. Hunting for bushmeat is arguably not morally wrong, but might cause exacerbation to wildlife populations when hunting increases in scale. A commercial demand for bushmeat may emerge as mining, logging or other activities attracts more people to an area (Duffy and St.John, 2013; Redford, 1992). Because of Colombia's desperate need for economic development in many rural areas, illegal mining activities as well as legal developmental projects can spur a demand for sustenance for workers who are engaged in these projects, and resides in the areas for years on end. Local actors have taken advantage of this new-found possibility for income, and provides this clandestine market with bush-meat and other goods, often severely affecting local fauna (Duffy and St.John, 2013; WWF, n.d.).

In sum, illegal wildlife trade is increasingly recognized as a conservation and a development issue. The box below is an overview of high-level events that have given attention to wildlife crime between 2012-2015, and suggests a much-needed acknowledgement of the severe problems IWT causes on biodiversity and local communities alike.

Figure 2. Source: Roe (2015), iied.org

BOX 1: HIGH LEVEL ATTENTION TO WILDLIFE CRIME SINCE JUNE 2012

- June 2012: Rio+20 conference highlights economic, social and environmental impacts of wildlife trafficking.
- September 2012: UN General Assembly highlights wildlife trafficking as a critical issue affecting rule of law.
- November 2012: US Department of State hosts meeting on addressing wildlife trafficking with Hillary Clinton.
- March 2013: Sixteenth Conference of the Parties to the Convention on International Trade in Endangered Species of Flora and Fauna agrees decisions to more effectively combat poaching and illegal wildlife trade.
- April 2013: UN Commission on Crime, Prevention and Criminal Justice passes a Resolution encouraging UN Member States "to make illicit trafficking in wild fauna and flora a serious crime".
- May 2013: UN Secretary-General presents report to the United Nations Security Council highlighting threat posed by Central Africa's heavily-armed elephant poaching gangs.
- May 2013: HRH The Prince of Wales and the UK Government host a conference at Clarence House calling for action at the highest level to end the trade in illegal wildlife.
- June 2013: G8 Summit describes fight against illegal trade in wildlife as equal in importance to fighting corruption, organised crime, drugs and people trafficking.
- July 2013: US President Barack Obama issues an Executive Order that establishes a Presidential Task Force on Wildlife Trafficking and external advisory council.
- September 2013: UN General Assembly calls for crackdown on wildlife crime.
- September 2013: Clinton Global Initiative announces new "Partnership to Save Africa's Elephants".
- September 2013: Prince William, Duke of Cambridge announces "United for Wildlife" – a new coalition of international conservation organisations.
- November 2013: CITES and INTERPOL convene meeting to discuss a strategy for improving law enforcement.
- December 2013: Government of Botswana and IUCN host African Elephant Summit and agree on a set of Urgent Measures to tackle elephant poaching.
- January 2014: European Parliament resolution on wildlife crime (2013/2747(RSP)) recognises the threat of wildlife crime to security, political stability, economy, local livelihood, natural resources and cultural heritage.
- February 2014: UK Government hosts intergovernmental London Conference on the illegal wildlife trade.

2.4. Theory: Institutional Analysis of CITES from the perspective of Green Criminology

This chapter provides an overview of the theoretical frameworks used to analyze my findings

2.4.1. Institutions

Vatn (2015) recognizes institutions as the organizational power to instruct people to behave in a certain way. When it comes to CITES, one could say that as an institution, it fulfills various requirements and criteria to act as such. Most notably, it "regards the creation of a new rule or practice by some people" (Vatn, 2015:102). It sets a number of legal norms and restrictions on which types of species humans can trade internationally, and the quantity we are allowed to trade. Then follows a set of permits and enforcement efforts that are supposed to monitor and ensure that these practices are abided by. What is more, if we take Vatn's account for the epistemic/ normative power institutions have to influence people's knowledge, perceptions, values and behaviour, CITES as an institution arguably may fulfill

these criteria. However, there are various challenges with this latter point, and illustrative cases of these challenges are what comprise the majority of my findings. These are elaborated on and analyzed in chapter 6 on analysis.

To further justify my choice of looking at CITES as an institution, I argue that it entails a number of rules that give order to a social phenomenon, which frames and guides humans in a given situation. It provides tools to assess whether maintenance of biodiversity is considered when undertaking a fundamental part of socio-economic relationships, namely trade. Through CITES, we have a shared understanding among those involved of what is required, prohibited, or permitted (Ostrom, 2011:17). As an environmentalist, I am consequently interested in the rules and institutions that facilitate or constrain human/nature relationships, for the benefit of sustainability. CITES is a convention that arguably exists in the grey zone between a trade agreement and a conservation agreement. It can thus be understood as an agreement that evokes and requires these specific analytical tools that an institutional analysis provides, since it deals with issues entrenched in both the human sphere (trade and economy) and the natural sphere (biodiversity and species protection). Ostrom (2011) also raises the issue of *outcomes* of an institution for a varied set of actors and stakeholders. She states that an institutional arrangement may suffer in the long term if it does not adapt to reflect the values of actors involved. Further, she contends that if equity and sustainability considerations are not consistently maintained, for example with regards to rural communities, the institution in question may be deemed too inflexible to survive (Ostrom: 2011:18).

2.4.2. Green criminology . Green criminology (GC) is concerned with an array of issues within criminology, including how state-harm may contribute to overall environmental harm. It seeks to elaborate beyond the legalist/criminal law jurisdictional paradigm, and includes matters such as justice, morals, values, victimization, criminality and rights, and critically examines the administrative, civil and regulatory justice systems (Nurse, 2017). In other words, it calls for the need to include harms and crime that affects the environment and “non-human animals”, hereafter “animals”. With special attention given throughout my thesis to the structural barriers that prevent compliance with CITES, it is justifiable to utilize the green criminology perspective to discuss these hinders.

Indeed, it could be argued that it is precisely the separation of environmental agreements from hard judicial frameworks that has enabled environmental crime to reach the present

scale. Considering the body of scholarly work that addresses poverty and needs for livelihoods that underpin and drives wildlife trade and trafficking, it is arguably necessary to look beyond simply individual actors as perpetrators of environmental harms, but rather, address the state failure to cope with these barriers. I find the emphasises within GC valuable in analyzing CITES, as CITES is adopted by national governments, seemingly without the necessary tools to efficiently implement it. The harms associated with state's failure to comply with their obligations is addressed as a driving problem within GC discourse (Nurse:2015). With this in mind, the regulatory framework and normative operativeness of CITES can be better understood if looked at through the lense of GC.

The concept of environmental resources as common property, thus being vulnerable to exploitation, calls for regulatory mechanisms. CITES is currently one of the most dominant among such mechanisms. On the other hand, when one looks at barriers to compliance with the convention, and the environmental crimes and harms these barriers allow, CITES is arguably not sufficiently addressing the crimes that quite easily circumvent these regulations. Proponents of CITES may argue that the convention shall not be confused with the local and national authorities implementing CITES in each individual country. This arrangement is in itself an aspect that guards CITES against criticisms of the convention. CITES enjoys the strengths that come with the flexibility of implementation and the responsibility of signatory states, regardless of its technical and political capacity (Thompson, 2002:70). But if CITES is to work as an institution that guides the actions and policies allowing sustainable trade of species, one can argue that the convention itself fails, if it does not sufficiently support, or even account for the systemic shortcomings that ultimately disable effective implementation. In an interview with John Sellar, a previous Chief of Enforcement in the CITES Secretariat, he puts forward his views on such a misunderstanding of CITES. He stresses that the convention itself can not be accountable for institutional shortcomings and barriers that make it difficult to implement CITES regulations (Podcast "Behind the Schemes, 2015). Arguably, this recognition is relevant in most multilateral agreements, and CITES deserves no special criticisms for this basic weakness than other conventions. However, with special regards to environmental harm generated by "implementation deficits" as described within GC scholarship, the inability of CITES to align itself with regulatory framework of signatory states is problematic. At least, to facilitate or aid the effective implementation of regulations should perhaps be a requirement beyond what it is today.

GC is actively engaged in issues such as wildlife crime. International and national wildlife trafficking, the conflict of human activity and wildlife, and the legal framework that encompasses actions that harms wildlife is frequently discussed. Traditional policing, detentions and confiscation models run the risk of inadequacy in its handling of illegal wildlife trafficking, because the harm to environments and animals involved are arguably already done in many of the cases detected. Green criminology discourse examines the harms this entail, and explores ways in which we can avoid such harms by alternative justice systems that to a much higher degree considers harms to wildlife and the environment. Causing harm to natural resources and animals often falls outside the scope of traditional jurisdictions, and GC seeks to address this problem. Adding the (often self-proclaimed) discrepancy between the convention of CITES and the legal implementation on national levels, CITES as a mechanism to prevent harms towards wildlife and the environment falls short in many respects. However, looked at from a slightly different angle, one could say that CITES enhances regulations and induces countries to abide by restrictions on wildlife trade. Furthermore, it seeks to utilize and construct incentives to refrain from committing harms to wildlife before the harm/crime has occurred (Stoett, 2002). The contrasting ideological perspectives within CITES thus proposes the need for the oversight and scrutiny I find dominant in green criminology.

Chapter 3. Study Sites

The primary sources of information, and empirical data drawn upon in this study is collected through field work, which was conducted mainly in Bogotá, Colombia. This is because the majority of the institutions and authorities working to combat illegal trade operate from the capital. It is also where I had the best chances of getting a hold of key informants, working within these realms, across various sectors, such as governmental, civil society or academia. While I planned from the outset to start my data collection in Bogotá, I had hoped to gain the opportunity to travel to more peripheral areas, where I believed the first hand stakeholders in the wildlife trade chain resides. However, I was only able to conduct two such interviews, in the nature reserve of Parque Tayrona National Park. All interviews except for these two were conducted in Bogotá. Furthermore, I was aspiring to interview small-scale peasants and indigenous communities during my fieldwork. I learned however, that my network and access to these communities were too limited, and I had time, resource and security restrictions to consider. Nevertheless, my interview with forest rangers in the abovementioned national park

provided accounts of practical issues at hand, and I was thus given a glimpse of the situation in a large and biologically rich area in Colombia.

Parque Tayrona National Park is a protected area, stretching from the foothills of Sierra Nevada de Santa Marta, and reaches all the way to the Caribbean coast. It is home to biodiversity endemic to the area, and scientists have identified an extensive array of wild flora and fauna living within the park's borders, including mammals, reptiles, amphibians, birds, sea and river fish, along with plants, and corals. Many of these animal species are listed as vulnerable, like the American crocodile, and some as severely threatened by extinction, like the jaguar (Alsema, 2017). The national park's biggest city, Santa Marta, was host to the Conference of the Parties (CoP) of CITES in 2014. The park constitutes a great proportion of issues concerning land rights to peasants who have largely been evicted from the park, indigenous communities, and strain on ecological preservation due to tourism (Leal, 2015).

Figure 3. National Park of Tayrona. Source: Ministerio de Medio Ambiente, 2013



Ideally, I believe it would be useful for my thesis to be able to conduct some research in even more rural areas, like the Colombian Amazon rainforest east of the Andes mountains, where I was informed during initial interviews that a proportion of the illegal hunting and trade goes on. However, due to limited resources and security considerations, this was not possible for this project. The same goes for the port areas of the Pacific coast-city of Buenaventura, which is less controlled than for instance the other main port city, Barranquilla. According to several

of my informants working in Bogotá, a considerable amount of goods traded in the black market leaves Colombia from the ports of Buenaventura to the Asian and global market.

Chapter 4. Research Methods

4.1 Research Strategy

This is a qualitative study of a specific case in Colombia. I wanted persons with the appropriate knowledge to answer in depth what they knew about my research topic. Because the main theme under investigation is knowledge pertained to a certain group of professionals, it was not suitable to undertake a quantitative, broad-encompassing study. According to Bryman (2016), qualitative research is generally applied when it is the meaning of the words that give valuable insight to the topic. In contrast to quantitative research strategy, where numbers carry a great significance in order to measure something in society, my research was dependent on the particular information that only those who work with, or live in close proximity to these issues, have. I found it solid therefore, to conduct research based on qualitative methods.

Parts of my study looks at how people perceive the greatest barriers to compliance with environmental laws, such as CITES, in the local context. For these parts of my research, a quantitative method by for example a survey could prove beneficial to grasp wide public opinions. However, due to limited resources in the field regarding contacts and time, I chose to focus on the qualitative answers that interview objects could give me. I believe this choice can be defended by emphasizing that there is a great need to address the concrete barriers faced by people working with environmental policies in relation to comply with the multilateral agreements in the environmental regime. Field observations may also comprise a valuable base for analysis in qualitative research, as explained by Auerbach and Silverstein (2003:7-8). It can grant the researcher the opportunity to passively observe subjects and situations in its natural circumstance, and contribute significantly to the “thick description” in the analysis. While recognizing this, field observations proved to be difficult to carry out in my research. Part of my explanation for this is provided in chapter 3, where i describe study sites and how I did not have access to actors and communities directly engaged in wildlife trade. Further explanation is based on how such field observations required long term stay in a certain field context, in order to observe a phenomenon that does not necessarily happen daily, but rather, in events of sudden need, e.g. income. Moreover, the aspects of illegality in

my topic makes actors, perpetrators and stakeholders arguably prone to a degree of secrecy when it comes to the actual events of capturing, selling or using wildlife. In summation, qualitative interviews with actors working on administrative and theoretical issues pertaining to adhering to CITES in Colombia was my main source of information.

4.2 Research Design

As I am looking at the specific case of Colombia and how it complies with the environmental agreement CITES, this is a case study design. The case being legal and illegal trade of wildlife, and the context being Colombia. Harrison et.al (2017) differs between case study as a method and case study as a methodology. Applying a case study method can be a versatile tool and an agnostic approach to address a problem to which one does not know the answer. Rather, it can lead to relativistic and interpretive findings. Since I am not able to apply findings from my research to any given country faced with the same problem, I argue that it fits well within the realms of a case study, used as a method to find some relative solutions (Harrison et.al., 2017).

According to Yin (2018), a case study approach is suitable when the chief element of the research is ‘how’ or ‘why’. In my quest to find out how CITES is attempted complied with in Colombia, and why there seem to be an array of barriers to compliance of such, a case study was natural to use. Furthermore, returning to how, a main concern throughout my research was to identify how various actors are driven by societal factors that leads them to participate in illegal wildlife trade, and how this includes actors who are primarily victims of non-compliance. The latter became more prominent as my research unfolded, as it became clear that informants pointed towards many of the same barriers. How these barriers are addressed in Colombia is more thoroughly discussed in chapter 6. In this sense, I also adopted an ‘emergent’ outlook (Denzin and Lincoln, 2005), as my research was not constrained within a rigid framework, but rather developing as various issues and some answers emerged.

The design of this research is also purposeful, meaning that the phenomenon that is being studied and the objects I seek out to provide me with insight to this phenomenon, are “information-rich” (Denzin and Lincoln, 2005). Parts of the case study was thus conducted through fieldwork. The interaction and face-to-face encounters with informants gave me the

enriching experienced data that only qualitative research can provide. The research that was undertaken in the field was conducted within a set timeframe. Meanwhile some studies have addressed the issues at hand in the past, my research questions was looking beyond what can be found simply by reviewing older data, and I therefore found that my fieldwork was invaluable to answering the research questions I set out to answer.

4.3 Data Collection

Data collection is an essential part of research, and in qualitative social research specifically, it refers to the process of gathering the information you need to back up the analysis you make from the study at hand. Bryman (2016) stresses the point of intertwining analysis and data collection as you go, as this will ease the process of coding your information later. Qualitative interviews is an often-used mode of data collection, and is also the one I chose to be my main source of information. The key reason for this was, as outlined in the above section on “strategy”, that I believed it was the best way to obtain rich information from informants. Additionally, I had training in qualitative interviewing from my education and was keen to test my abilities in the field. I also used secondary sources to find information that was not possible for me to gain through empirical data collection. Background information on CITES, Colombia’s statistics concerning confiscated fauna, deforestation rates, criminal activities and environmental policies are examples of such information. Moreover, numbers on indigenous communities, where they are located, and to a certain extent how they are affected by illegal wildlife trade is largely found by using secondary sources.

Initially, I had envisaged to undertake participant observation in order to fully include the part of my research that involves how declining populations of threatened species affect rural and marginalized communities. However, as I learned this requires a more anthropological approach, with much larger timeframe than what I had at my disposal, I found this to be outside the scope of my study, and decided to only conduct in-depth interviews. As a further matter, participant observation is associated with an array of ethical considerations. In my qualitative interviews on the other hand, I gained oral consent, and anonymized all informants.

All interviews were individual except for one focus group with several professionals from the same working environment. The length of the interviews ranged from thirty minutes to two

hours long. All interviews were recorded with a audio recording device, except for two, in which the interviewees did not wish to be recorded. In these cases, I simply noted down bullet points in my notebook and reconstructed the interview afterwards. The implications this might have had on the recollection of data obtained, are given some thought in the section about limitations below. All interviews were semi-structured, meaning that I allowed the interviews to develop naturally following the conversation. This is common in qualitative research, where the purpose is to obtain ‘thick description’, and to allow the informants to provide information they see relevant. According to Ritchie and Lewis (2003), this mode of interviewing is seen as useful in generating the in-depth data that are the hallmark qualitative research (Ritchie and Lewis, 2003:112). After my initial interviews, I learned that the flexibility of qualitative research was necessary to make use of, before conducting more interviews. For instance, I quickly discovered that while my topic was of high interest to my informants, my questions were slightly too narrow and too focused on specific species within the CITES convention, which was not always possible for my respondent to provide answers to. Being allowed, as explained by Creswell and Poth (2017) to shape questions as the process of interviewing unfolds, was invaluable to me, as my remaining interviews hence were more open-ended, and provided a broader baseline upon which my informants could draw on (Creswell and Poth, 2017). This in turn, gave richer and more nuanced information, and highlighted what my informants perceived as being the most important issues to address within my research topic. Interestingly, during the coding process, this allowed me to see that in spite of my open-ended questions, the emergent themes were rather clear, and pointing towards many of the same issue-areas.

4.4 Sampling

The study is relatively small-scale, with 10 in-depth interviews. The informants are members of scientific or administrative working communities. They include;

1. one focus group interview with employees at the directorate that manages national parks in Colombia, the Special Administrative Unit of the Network of Natural National Parks in Colombia (SINAP, from its Spanish acronym);
2. individual interview with employee at SINAP;
3. individual interview with an indigenous people’s rights lawyer;
4. individual interviews with two employees at Panthera, an NGO working for the protection of wild cats in Colombia;

5. individual interview with employee within the Norwegian International Climate and Forest Initiative (NICFI) at the Norwegian Ministry of Climate and Environment;
6. individual interview with employee at NICFI at the Norwegian Embassy in Bogotá;
7. two individual interviews with forest rangers working in the National Park of Tayrona;
8. individual interview with employee at the section working with CITES in the Cancillería (Colombian Foreign Affairs Ministry).

My interviews with the two employees within NICFI were both done over phone, and the interviews with the two employees at Panthera were both done via Skype. This was my only way of conducting interviews with these informants, as we were in different cities, and I was unable to travel to the respective sites at the time. The implications this might have had for the validity and accuracy of data provided by these informants, will be discussed in the limitations section below. All the remaining interviews were conducted face to face.

I sought out my research informants based on their knowledge and relation with my research concerns. According to Auerbach and Silverstein (2003), this is a part of theoretical sampling. They recognize theoretical sampling as a method when you have a theory about who can provide information on your subject, and chose participants accordingly. Since my topic is an environmental convention, i.e. a political instrument, within a specific country, I had a certain idea of who would be logical for me to contact, regarding individuals and institutions. In addition to theoretical sampling, I used elements of convenience sampling. The convenience aspect emerges in who the different institutions chose to recommend for me to interview. As an example, I first asked the CITES-section in the Cancillería if I could interview someone, and the person who had availability became my informant. It is impossible to know whether my answers obtained from this interview would have been very different had another person from the section been my informant. Additionally, when I travelled to the National Park of Tayrona, I did not have a scheduled interview prior to my arrival. I found two forest rangers who were willing to speak with me, and these became my informants. Due to this, I consider some degree of convenience sampling in my research.

Finally, I also used snowball-sampling. Aside from the interviews I had arranged before arrival in Colombia, described in the procedure-section below, I also was referred to relevant interview-objects from a rather random group of people with whom I gained acquaintance

upon arrival. Snowball sampling means starting with a sample of participants, and asking them to refer to further informants (Auerbach and Silverstein, 2003:18). The focus group interview is an example of such 'snowballing'. One of the employees at SINAP was a friend of a friend, and brought with her a few colleagues who worked with the same issues. Even though the first link here was not an informant herself, as is the defined mode of snowballing (Auerbach and Silverstein, 2003:18), I was referred to the SINAP group because of their professional knowledge on my topic, and I therefore consider it viable as a snowball method. Furthermore, they recommended that I reached out to the indigenous people's rights lawyer, who also became my informant. Bryman (2016) outlines how this form of using more than one sampling approach is common in qualitative research. He states that "... the process entails sampling initial participants without using snowball approach and then using these initial contacts to broaden out through a snowballing method" (Bryman, 2016:419). I came to Colombia with a limited network, seeking to investigate information on a specific topic, and this way of navigating through potential informants, utilizing different approaches to sampling, was a natural way to go about the issue.

4.5 Procedure

I was in Colombia conducting field work in a three month period, from November 2017 to January 2018. Before I entered the field, I sent out emails to relevant people working with issues related to my topic. These ranged from staff at the Norwegian Embassy in Bogota, the Colombian Foreign Affairs Ministry, international and local non-governmental organizations, bureaucrats at various levels of governments, and Norwegians working with the Norwegian International Climate and Forest Initiative (NICFI) in Oslo. My goal was to gather as many useful contacts as possible, and schedule at least some meetings and interviews before I arrived. This proved to be difficult, as I received few responses, and discovered it was best to continue setting up meetings when I arrived in Colombia, and not wait for responses while still in Norway.

Upon arrival, it was easier to get in touch with relevant contacts, as I could visit offices and get in touch with people directly. First, I set up a focus group interview with employees at the directorate that manages national parks in Colombia, SINAP. Through these, I was introduced to a few other useful informants, like an indigenous people's rights lawyer, and another employee within the bureaucracy of environmental policies. This was very useful as a first interview, as it not only granted me with their account of how they perceive the issue at

hand, but it also served as an introductory lesson for me, into the blueprint of Colombian environmental policies and norms.

During my time in Colombia, I tried as best as I could to keep a field diary. I kept notes of times, places and meetings, as well as personal experiences and observations I made as weeks went by. Such a research log is quite useful when conducting research in the field, as it helps the researcher keep track of impressions, senses occurred and small but significant observations that is easy to forget, but may have been of importance to you at the time. It also helps to plan the next steps, document challenges faced and helps overcome these before the next phase of your research (Nadin and Casell, 2006).

Transcription is the process of writing down interviews as accurately as possible (Bryman 2016). I transcribed after each interview, and some were done after the fieldwork was completed. Transcription is important in qualitative research because it is essential to note not only what the interviewee says, but also how they say it. By carefully transcribing, including pauses, doubts, hesitations etc, one is left with a richer, possibly deeper understanding of the interviewee's account of the matter (Bryman, 2016). As all my interviews were in Spanish, I had to translate them into English. I waited to translate all interview until after i came back to Norway, simply due to the time i had at my disposal while in Colombia. Since my interviews has been translated by myself, i find it reasonable to address the possibility of some meaning or thick description being lost during the process of translation. These potential losses will be examined further in the section on limitations below.

4.6 Data Analysis

Data analysis is a crucial part of both quantitative and qualitative studies, most obviously because it is the process in which the raw data collected is interpreted, managed, structured and understood. As explained by Bryman (2016), the data analysis process is also where the researcher can rid themselves of any flaws or mistakes made during transcriptions og translations. I have used coding as a method to structure and analyze my raw material. Coding is a process in which the researcher breaks down data into categories and/or components, and given labels. This is helpful when reducing the vast amounts of data at hand into concepts and answers that means something, and relates to your research question.

During the process of translating my transcription documents, several themes and similarities between the various interviews occurred. After having translated everything, various themes recurred from reading through the raw data. I then gathered the different themes and placed them into suitable categories, examples of which are “corruption in local authorities”, “lack of education among rural communities” and “industrial developmental projects”. These are themes coined by me, in order to see patterns among the different interview answers, and see what they have in common, as well as to see how they differ. I used color-coding as a tool to differentiate between the different categories, which made it easier to place the emergent themes under the suitable category. A table with color-coded categories and entailing themes can be found below.

Table 1. Coding table

| Research questions | Common themes | Emerging concepts | Final category | Finding/Result |
|---|---|--|---|--|
| 1) Who are the main actors involved in driving wildlife crime, and which societal factors are driving them? | Indigenous and rural communities lack economic stability. Illicit actors and middlemen pay for specimens. Protecting species not perceived as important compared to industrial projects directly harming fauna. | Discrimination and distance from core institutions. Lack of knowledge on protected species. Sustainable use of species, but illicit markets generates heavier utilization. | Poverty recruits detrimental activity. Rural/indig. More concerned about industrial projects. Traditional livelihoods challenged by PAs. Displacement due to PAs. | Finding 5.2.1.a. Finding 5.2.1.b. Finding 5.2.1.c. Finding 5.2.1.d. |

| | | | | |
|--|---|---|--|--|
| <p>2) Who are the main actors involved in combating illegal wildlife trade?</p> | <p>Communicating the importance of CITES is challenging. Enforcement agencies are few and far between. Collaboration with NGOs. Combating big cartels.</p> | <p>Socializing CITES is a priority. Engaging local communities, developing sustainable economies. Providing ownership and care for species protection.</p> | <p>Adopting new toolkit from CITES, getting rid of corruption in small enforcement agencies. Provide incentive to comply. Making aware of environmental crime.</p> | <p>Finding 5.2.2.a. Finding 5.2.2.b. Finding 5.2.2.c. Finding 5.2.2.d.</p> |
| <p>3) How is CITES perceived in civil society as a tool to protect wildlife?</p> | <p>Generally little known among rural citizens, only specialized NGOs are informed. CITES not considered to reach very far in the consciousness of ordinary citizens.</p> | <p>NGOs and enforcement agencies managed to promote CITES through larger Amazon-protection schemes. Compliance at low levels happens through other methods, not “CITES-driven”.</p> | <p>Tireless NGOs and investment from international initiatives has led to some successful outcomes to the benefit of compliance with CITES. But – environmental considerations absent from key political processes, such as peace process.</p> | <p>Finding 5.2.3.a. Finding 5.2.3.b.</p> |

| | | | | |
|--|--|--|--|--------------------------------------|
| 4)What are possible organizational, practical and financial shortcomings to the implementation of CITES? | Weapons and drugs given higher political priority, despite inherent environmental consequences. Established criminal networks take advantage, embarks on illegal wildlife trade 'instead'. CITES not fully aligned with env. legislation, PAs, indigenous territories. | Lack of political will or capacity, depending slightly on the informant; NGOs: lack of will, Bureaucrats: lack of capacity. Proliferation of forged CITES-permits and lack of methods to cope with this. Even enforcement agencies not sufficiently familiar with CITES. | Political priorities and lack of technical capacity. Lack of staff on ground level. New measure: toolkit to help decipher which permits are false. | Finding 5.2.4.a. Finding 5.2.4.b. |
|--|--|--|--|--------------------------------------|

4.7. Limitations

The quality of research is largely dependent on the researcher's understanding of own biases, validity and reliability. Evaluating whether the information gained is sound or robust, and how this matches the appropriateness of methods used by the researcher, is often a way of determining this quality (Ritchie and Lewis, 2003). Validity refers to the degree of which the research actually reflects what was meant to be researched. Reliability is generally understood as the degree to which the methods used would lead to the same research results, if applied in a different study (ibid:270). Below, I assess the issues which may have implications for the validity and reliability of my research, and explain how they are dealt with.

4.7.1. My relative small sample size can arguably be said to limit the validity of my research. Having only 10 interviews, even if it provided rich description of my topic by people with extensive knowledge, means that it is difficult to draw any general conclusions from my research to a wider public. I found it difficult to mitigate this limitation while in Colombia, however, as I knew that in doing so, I would have to stay there a much longer time, which I did not have the option to do. Additionally, my results can not give any explanation to the barriers of compliance with CITES in any other context than Colombia, because my informants only had knowledge that was implicated by the context in which they work. Nevertheless, it is arguably valid to consider that my findings may be of such nature that they

are applicable to similar countries with the same development level as Colombia, for instance other countries in the region. There are trends in my findings like corruption and lack of education that are universal in terms of development and transparency policies, and the Colombian case is arguably not unique. However, I do not draw any general conclusions on this, due to my relative small-scale research and the number of informants.

4.7.2. Another possible limitation is language. All empirical data collection is done in Spanish. Due to restricted resources, the data is translated by an authorized professional translator, but by myself. I consider my Spanish proficient enough to carry out this task with as high precision as necessary, but there is always potential for loss of meaning or significance when translating. I have tried to the best of my abilities to convey the tone, sensibility and meaning of my respondents with English words, but the general risk that something is simply not viable or translatable to another language is possible. I am quite confident however, that significant discrepancies between what is said in interviews and what has come across and written down as a result is not present.

4.7.3. Two of my informants, the forest rangers at the national park of Tayrona, did not wish to be recorded during the interview. I was given the sense that this had to do with the content of my topic, and especially the aspects of illegal trade. I was allowed, however, to take notes, which I later reconstructed in my data collection documents. These interviews were rather short, each approximately 30 minutes long, and were therefore not very hard to reconstruct afterwards. There is nevertheless a considerable probability that some details were lost, simply due to the fact that I did not have the option to go back and listen carefully to interview, as I could with the others. The tone and context of these interviews stood out from my other interviews, as they were conducted outside, in the middle of working hours for my informants.

4.7.4. The two interview via phone, and the two via Skype, bears the possibility of some nuances and thick description was lost. This is due to the fact that I was not able to read or capture the facial expressions, tone or uncertainty completely, as conversations with these informants unfolded. This is important in qualitative research, and gives the researcher more personal and sensitive raw data to draw analysis from. The two informants from NICFI largely gave their accounts of drivers of increased deforestation in Colombia due to power-vacuum and land-conflicts after the peace process, and were mostly concerned with numbers

and hard facts. Due to this, I believe conducting these interviews over the phone did not have major implications on capturing the essence of the information from these informants.

The two interviews I had with employees at Panthera, were slightly more sensitive, regarding the content of what came out of these interviews. Issues emerging here were concerned with corruption in local authorities and connections between local governments and criminal networks, meaning that the content of these conversations would have possibly been enriched if they were conducted face to face. With relatively poor internet connection and a blurred line on Skype, it was difficult to capture the exact sensibility with which this information was given. I consider this element as a limitation to understanding exactly to which degree these informants found these issues to be worrying.

Bryman (2016:485) explores that relevance that body language may have, for the interviewer to discern any signs of discomfort among interviewees, which again may have significance in terms of analysing the data provided. I acknowledge this concern, and have taken into consideration that this bears a certain risk of lack of thick description in the four interviews, as outlined above. However, Bryman accounts for how numerous studies have shown that the difference in quality of data in telephone/Skype interviews versus face-to-face interviews are in fact, not significant. Additionally, I appraise the data given in these interviews as sufficiently valuable, especially considering that the discomfiting elements of the content were not of such nature as directly linked to my informants, but rather a social phenomenon they observe in their work, and albeit disheartening or worrying, not reflecting my interviewees relation with these phenomena.

4.8 Ethical Considerations

Ethical principles in in social research are important to be conscious about, and evolve around four main areas. Bryman breaks these down to the following: whether there is harm to participants; lack of informed consent; invasion of privacy and; whether deception is involved (Bryman, 2016:125). The following two points are ones that I gave special consideration when assessing the ethical principles that emerged during fieldwork and during data analysis.

4.8.1. Anonymity and informed consent

All informants were briefed about my topic and the tentative questions prior to the interview and/or before I turned on my audio recorder. All informants gave me oral consent. All informants except for the forest rangers in Tayrona National Park allowed me to use their names in the study. However, further than specify where they work and which role they play, I refrained from expressing any names or identities throughout my study. I made sure my field log did not contain their names either, simply because their role and position in the given institution was more important. The two forest rangers wished to be anonymous, which is why I label them throughout as ‘forest rangers’, along with the park they work in, which they gave consent for. They explicitly stated that did not wish to be recorded, and I therefore noted down bullet points from these interviews instead, and typed up as much as I could remember immediately after the interviews, as I outlined above in the section on limitations.

4.8.2. Sensitive data and the element of illegality

Because my topic of study concerns an international convention that deals with illegal trade, I was prepared for reluctance towards answering some of my questions. However, this did not seem to be the case, and I found the majority of my respondents were happy to provide the knowledge they had. The reason for this is arguably the fact that even though my topic involves investigating criminal activities, my informants were not actors of such activity, but worked to prevent these events in their professional life, giving them an interest in sharing their knowledge. Since I was unable to gain access to communities and areas where the actual capturing, selling and using of wildlife takes place, I did not have a direct link with perpetrators on the ground. The exception may be the forest rangers, who were slightly reluctant to being interviewed at first. It seemed that they both felt more comfortable agreeing to the interview since they were two, assured by a peer being interviewed as well, and they themselves agreed on who was to be interviewed first. I suggested interviewing them together, but they preferred to answer individually, as they were unable to leave their post. After they gave their consent, they gladly shared their experienced from working on the ground in a national park. I made sure to respect any sensitivity towards the content of my questions. An example is corruption in the enforcement agency efforts, a theme that emerged in previous interviews. I thought this may be perceived as insensitive to the forest rangers, and I did not wish to imply that such corruption was a possibility within their working environment. However, this issue was covered by their own initiative, when I asked about general difficulties (barriers) they faced when protecting the park, and I could thus simply follow up

on their own account of the matter. In this way, I avoided bringing up sensitive elements of my topic, but still managed to obtain their opinions and thoughts about corruption.

Chapter 5. Results

5.1. Themes from findings: brief definitions of concepts

The goal in qualitative research is to bring forth and highlight the interviewee's meaning and reflections upon the given problem or situation. According to Creswell and Poth (2017), the issue under study usually prompts various different perceptions among the informants, and therefore, the provided themes below are to be considered as multi-dimensional. The themes are broad-encompassing concepts, which reflect more than one perspective of the participants. With this in mind, I have formulated the very essential themes that emerged throughout my interviews, in a concentrated format. The following is hence loosely defined concepts that generally have other, more technical definitions in scholarly work, but that I have infused with the specific meaning the concepts hold in my thesis.

5.1.1. Barriers:

In this study, a specific exploration of barriers is sought out. By barriers, I wish to point to structural barriers, whether it be economic, social, ecological or cultural truths that stand in the way for compliance with CITES.

5.1.2. Corruption:

The lack of integrity within and/or across sectors that have as a mandate to implement and enforce CITES in Colombia. Situations in which the willingness to accept bribes undermine their mandate to protect wild fauna, predominantly from illegal trade.

5.1.3. Lack of political capacity/will:

All informants were asked if they thought lack of political will or lack of capacity was the most essential in the inability to tackle illegal wildlife trade. Lack of capacity is referred to as actual funds and systems in place being absent despite of governmental efforts. Lack of will is referred to as political priorities, in the hierarchy of which protecting wildlife from illegal trade falls far down on the list, despite allegedly having the means to prioritize.

5.1.4. Discriminatory discourse:

The experience among many stakeholders, as accounted for by several informants, that the discourse on wildlife trade (and indeed, general wildlife crime), is predisposed to judge indigenous and rural communities for any actions that are not inherently protective of their natural environment. Hence an expectation that these groups should for some reason be more inclined to live sustainably and harmonically with wildlife, and when failing to do so, are judged more harshly than when other actors commit wildlife crime.

5.1.5. Enforcement agencies:

The local, regional and national entities charged with the responsibility to issue permits, monitor environmental procedures and to implement environmental laws, including CITES. In Colombia, these are The National Authority of Environmental Licenses (ANLA by its acronym in Spanish) (International Comparative Legal Guide, ICLG, 2019). In addition, the police work closely with these entities, and is therefore also included when addressing enforcement agencies.

5.1.6. Perpetrators on the ground:

Individuals who find themselves as the first link in the illegal trade chain, but who should not be categorized merely as ‘offenders’, or ‘criminals’, since the driver behind their involvement often is poverty-related. This characterization encompasses actors who are also doing the actual capture/selling of wildlife only for subsistence-purposes. This is because the act of capturing wildlife might lead to either subsistence-purposes or selling, depending on the situation. Circumstantial differences in everyday life will determine what the wildlife is used for. This is logic, as the ‘perpetrators on the ground’ are not a consistent part of criminal networks profiting from IWT, but rather, are taken advantage of by these networks.

5.2. Findings/Results

Below are the main opinions, beliefs, concepts and essences that emerged from my interviews. They are listed as logically as I found possible, to correspond with the four research questions i posed at the end of my introduction. The respective RQs are listed in the beginning of each section, in order to easily show and identify which RQ is answered. The number of findings to each RQ vary slightly, as some questions were easier to answer than others. I point out that while I have attempted to divide answers to correspond logically with RQs, this is practically difficult, as the themes emerging within one topic are often relevant in

other topics. This is explained by how the issue at hand is intricate with several common factors being both the cause and effect, which I have tried to provide an account for. Creswell and Poth underlines how this is common in qualitative research, and explains how “Researchers are bound not by tight cause-and-effect relationships among factors, but rather by identifying the complex interactions of factors in any situation” (Creswell and Poth, 2017:47). An example of this is how marginalized communities are both perceived as victims to the effects of non-compliance with CITES, while at the same time, they can be perpetrators of violations of CITES.

These issues are outlined below, and analysed in more detail in the discussion chapter.

5.2.1. Who are the main actors involved in driving illegal wildlife trade, and which societal factors are driving them?

5.2.1.a. Poverty alleviation and engaging in detrimental activities:

The issue of basic economic sustenance is perhaps the factor underpinning most aspects of rural communities’ involvement in the illegal wildlife trade. According to one of the forest rangers in the national park of Tayrona, it is common among indigenous and small-scale farmers to capture and sell high-value specimens to intermediaries to the black market. These acts are hence a mode of poverty alleviation. There can be various intermediaries, often hiding their role and connection to larger trade actors. In this way, the first links to the chain (the perpetrators on the ground) are very often completely in the dark about aiding illegal wildlife traffickers. Even in the cases where they do know, “it is not with the conscious intent of harming the fauna, but because they do not have a concept of ecological crime in their minds when they do it”, as stated by my informant from the Cancillería of Colombia (Interview no.4, 2018). It is a matter of gaining some income that given day.

The other side of the chain is often, though not always, a cartel, according to my informants. Behind the buyers who purchase goods from the first link, there is often a chain of actors participating in illegal trade. These actors often trade various goods, not only wildlife. Wood, drugs and arms are often in the hands of the same actors leading up to the same cartels. According to respondents working in close collaboration with the police, these cartels are described as highly organized and use routes connected to Bolivia, Peru, Brazil, as well as overseas. Specimens are sold in high quantities together with other illegal goods. These accounts for how the supply-chain works were reconfirmed amongst several of my informants, who claimed that using intermediaries to buy specimens from indigenous and/or

small-scale peasants is the principal mode of obtaining valuable fauna for cartels. In other words, indigenous and rural communities are arbitrarily made into perpetrators on the ground, and function as the principal mode of organized criminal actors' obtaining of wildlife.

5.2.1.b. Rural communities are more concerned about industries:

Extraction industries are causing a big debate in Colombia today. It seems that while the problem of declining populations of wildlife is somewhat familiar among the rural and indigenous, it is overshadowed by the concrete issues that directly endanger fauna. Several respondents highlighted various developmental projects and extractive industries that are perceived as much more important reasons for why wildlife is threatened. Logging and mining, infrastructure and the petroleum sector were highlighted. It was an emerging consensus that projects conducted in the name of development was to a certain degree exempt from criticism, because Colombia needs economic development. One respondent commented that there is irony and injustice in this, because the big blows to fauna are not considered environmental crimes, but rather developmental projects, often legitimized by governments. Hence the legality of these projects is the real complicating issue, as many respondents felt that industries are not sufficiently constrained by environmental laws.

At the same time, subsistence hunting and selling of specimens are common among the indigenous and rural communities, and often involves species that are by law and under CITES-regulations, protected. When asked about how people on the periphery, both geographically and socio-politically, interacts with certain threatened species, it prompted the notions that these quotidian habits, while breaching some environmental laws perhaps, should not be the center of attention compared to the larger threat posed by industries and the developmental agenda. According to several informants, these communities suffer from being subjected to discriminatory discourse in the wider public, characterizing their lifestyles as increasingly inimical to their natural environment.

5.2.1.c. Traditional ways of life are challenged by protected areas.

It was increasingly emergent throughout my findings that many of the preconceived thoughts about challenges facing the indigenous populations in Colombia, were the same among peasants and other rural communities. They face the same challenges in several respects, namely regarding the relationship with the handed down land on which they reside, and the way they have always utilized this land. The lower material wealth among these communities

generates the need for some of the same subsistence activities, such as selling off exotic eggs, birds, reptiles and sometimes mammals such as monkeys. Hunting for bush meat is also common. This was evident when asked about the coexistence between wildlife and rural and indigenous communities. Because the relatively small-scale hunting and selling carried out regularly among these groups is considered to be illegal inside PAs, it is a common sensation that the larger blows to fauna carried out by industries should also be considered illegal.

The indigenous peoples rights lawyer mentioned specifically that the relationships these groups have with their land has always been close and respectful, and their livelihoods are traditionally very sustainable. According to my informants, it is perceived as counter-productive to impose environmental laws that will severely impact their ways of life, while other industrial projects is not constrained in the same way. Indigenous reserves inhabitants face restraints on what they can do on their own land because of special legislations. Indigenous peoples residing outside legal reserves and farmers do not face these kinds of restraints. However, displacements and the need to find new land is a common experience among these two latter groups, due to industrial development and/ or, historically, violent conflicts.

5.2.1.d. Displacement of rural/indigenous for the sake of protected reserves:

The creation of national parks may alter livelihoods and push communities to engage in detrimental activities: The notion that nature protection and preservation is only done in designated parks proved troublesome for many informants. First of all because Colombia is a country where people live in the forests everywhere, which calls for tight implementation of environmental protection everywhere. Second of all, because the creation of parks where people live have and will alter their livelihoods dramatically in many cases. Several respondents emphasized the emerging national parks with indigenous territories inside which were drawn up in the 80s and 90s in Colombia. This has difficult ramifications for the livelihoods of these communities. Two main reasons for this were given extra attention among my respondents; indigenous reserves inside national parks are suddenly subject to environmental laws that prohibits many of their cultural habits and norms, and; when the consequence of national park laws prohibits previous ways of livelihoods, many indigenous have turned to extracting resources small-scale for the sake of income in their own territories. This in turn provokes criticism, because there is a certain common understanding that indigenous people should be good conservationists. The difference in how environmental

protection measures are imposed on different cultures is thus a problematic feature of the management of national parks. The consequence may in some cases be that indigenous customs and cultural laws become ecological crimes.

5.2.2 Who are the main actors involved in combating wildlife crime?

5.2.2.a. Conveying the message of the importance of protection of species is challenging;

There are smaller authorities working in the districts to monitor and implement environmental laws on behalf of the Ministry of Environment. According to my informants, they are not as visible and efficient as they perhaps need to be. They work closely with the police to deter and discover trafficking of wild animals, but according to informants in the bureaucracy in the Ministry of Environment, the vastness of Colombian countryside and forest-areas, makes it challenging. Brought up by nearly all informants is the lack of knowledge and absent information when it comes to endangered species, among rural communities. This is detrimental when considering the de facto presence of criminal networks seeking to take advantage of the lacking knowledge, and willingness to pay marginalized groups for their captures. The difficulty of spreading knowledge about the illegality of capturing and selling certain specimens is thus thought to be an underlying reason why it is relatively easy for criminal actors to obtain valuable animals. Keeping a consistent information stream out towards the communities living in proximity to wildlife is challenging. The authorities have not been successful in conveying the message that many of these animals are CITES-listed. Given special attention in my focus-group interview with employees at the administrative level of national parks, is that rangers and police on the ground have limited ways of knowing how to separate 'legal' species from 'illegal' ones, and often have insufficient knowledge on the CITES-appendices themselves.

5.2.2.b. Enforcement efforts are also struggling with corruption;

The regional and local authorities issued with the mandate to help execute and implement environmental laws, are also often corrupt. One informant mentioned an example where the army and the police who had confiscated shipments of an illegally hunted specimen, returned the shipment to the cartel-members for a large amount of money. It is the responsibility of the police to reintegrate these specimens back to the wild, often with the help of sanctuaries and other specialists, according to my informant. This informant belonged to the focus group of employees at the management level of national parks, and was also explaining how lack of enough allocated money is part of the overall problem. This may induce the belief among him

and his peers that corruption plays a big part, as enforcement agencies on the ground may lack incentives to abide by the law when they are struggling on the lower end of the pay-scale. Even though this focus group worked administratively with these issues in Bogotá, and are not directly impacted by the same issue, it seemed like the issue of lacking funds was something they were familiar with. It was nevertheless stated that these incidents of corruption as mentioned above are arguably among the worst corruption examples, and not representative of how most authorities operate.

5.2.2.c. The effort to ‘socialize’ CITES:

The issue of lack of knowledge among perpetrators on the ground is a known problem. This is one of the main reasons for why especially the Ministry of Environment has extended operations in areas far from the big cities. These authorities collaborate, as mentioned in findings above, with the army and the police, but also with NGOs. One of their principal goals is to ‘socialize’ CITES, and familiarize the public about species listed in the different appendices. In relation to this, they work to establish a goodwill and common objective with the communities, to counteract the criminal actors operating in the same field. It was again emphasized that it is not the wish of rural communities to partake in unlawful acts that furthermore are detrimental to their natural environment. It is more often than not, simply a matter of not knowing any better.

5.2.2.d. New toolkit:

Illegal wildlife trade has gained importance and generated increased efforts from enforcement agencies, which has led to the use of a new toolkit that will facilitate screening of illegal goods. My interviewees informed me that this initiative was instigated by actors and organizations such as INTERPOL, UN Environment, World Bank, and CITES itself. This will make it easier for enforcement agencies working on the ground to detect transportation of illegal goods, as these agencies are normally less equipped and work in smaller checkpoints with fewer infrastructures. The big cartels never operate from airports, but use smaller ports and routes that are extremely difficult to monitor for police and other authorities. According to one of my respondents, this new toolkit has made it much safer for the control units that work at these points to carry out their duties.

5.2.3. How is CITES perceived in civil society as a tool to protect wildlife?

5.2.3.a. International engagement may entail initiatives that indirectly promote CITES:

Several informants discussed the two-sided presence of international powerful actors playing dual roles in the Amazon countries, and this has spurred some debate in Colombia. On the one hand, countries like Norway (which was given as an example), are heavily involved in forest protection initiatives, but at the same time, are invested in extractive industries in the same country. This is seen as problematic and gives a sense of false engagement for the local actors working to protect forests in countries like Colombia. Nevertheless, it is also seen as a solution. The power these countries may have to push for improved policies for example by paying compensation for decreased deforestation can lead to very positive outcomes. This was a view held by several informants, one of which gave the example of international collaboration supporting a small logging-community who previously had sustained their livelihoods by illegal logging and poaching of crocodiles. The American Crocodile population in Colombia was nearly erased in a short period of detrimental and high-scale trade in skins from 1928-1932. In 2005, the local project began. While this community had gained just enough to survive by selling woods and crocodile derivatives for a high price in the illegal trade market, they have now been given the tools to readjust their lives into sustainable incomes, like ecotourism, sustainable farming and fishing, and been given the education on how to harvest a small amount of crocodiles for commercial trade within the constraints of the law.

This, according to my informant, was the result of international Amazon-protection schemes, international NGOs and national policies. This example was from the viewpoint of my informant, given as an image of how rural communities are directly dependent on ecosystem thriving in their immediate surroundings, and how sustainable use, given the right theoretical and educational equipment, can strengthen their livelihoods. It was also given as an example of how international collaboration can aid in such strengthening. Moreover, it was seen as a way to effectively implement CITES, as trade of the crocodile was now monitored more closely, and the community who previously had no option other than to exacerbate vulnerable crocodile-populations, now had alternative livelihoods.

5.2.3.b. Environmental considerations largely absent from key political processes:

Throughout my questions asked in a semi-structured manner, the topic of how forest protection has been altered after FARC left their territories following the peace negotiations in 2016, recurred continuously. Following up from the question on how CITES was perceived in the public debate and among civil society, this was thought to be an example of

how the factual mainstreaming of environmental considerations, such as CITES, was to a large degree absent from these peace negotiations. It was the opinion of several of my informants that even though FARC members had been known to partake in illegal trade of various goods, they were arguably, though indirectly, protecting vast forest areas, since no commercial nor political actors would enter these regions.

Having a de facto control over biologically rich areas enabled flora and fauna to thrive due to lack of industrial, developmental and commercial projects. After the FARC guerilla abandoned these areas in order to reintegrate into society as legitimate citizens, vast forest areas have been up for grabs by various actors. Land grabbing, cultivation of land for cash-crops and deforestation has skyrocketed in the power-vacuum. This has left wildlife populations much more vulnerable to habitat loss and exposed to poachers. The direct link from this to how illegal trade may or may not have increased was not made, but it was clear that the peace process was thought to have unforeseen negative impacts on protecting flora and fauna.

5.2.4. What are possible organizational, practical and financial shortcomings of implementation of CITES?

5.2.4.a. Political priorities and lack of capacity:

Even though illegal wildlife trade falls into the same category as weapons and drugs, an employee at a local NGO explained that it is often not the first concern of Colombian government in comparison to other illegal activities. Often, they only comply with the bare minimums to avoid sanctions, which is not enough to really tackle the problem. The same informant also said that despite this, Colombia is relatively well organized in terms of nature protection and management, but that these measures only scratch the surface of managing an intricate criminal system operating beneath and across national parks and protected areas. This opinion was shared by another informant, working as a forest ranger, who contemplated that on their daily rounds throughout the park, they never manage to control enough areas because of lack of capacity. He expressed that it was a well-known fact amongst him and his peers that criminal activity in areas monitored by them occurs ‘under their nose’, but they are simply not enough people, and are not equipped with neither the information nor tools to curb these activities.

5.2.4.b. Practical challenges:

The most prominent challenge facing those responsible for implementing CITES on ground level, aside from structural obstacles such as lack of knowledge and corruption, was the ease with which CITES-documents and permits can be forged. According to my informants, this is a frequent practice among traffickers, and does not require a very highly advanced technical skill. Adding to this is the aforementioned problem that border control units and enforcement agencies on the ground often have flaky knowledge on the CITES appendices. Such challenges have been attempted mitigated by initiatives such as the toolkit mentioned above, but my informants still contemplated that fake permits, and the inability to deem a document as fake, is still widespread across the checkpoints and local enforcement efforts.

Chapter 6. Analysis

In this chapter, I discuss the ability of the CITES regime to address the findings above, with reference to green criminology. I analyze how it might have failed to account for various sections and stratas of society and the implications this might have for the stakeholders in question. Consequently, I discuss the above findings with reference to wider literature and theory.

6.1. Analysis of CITES from the perspective of Green Criminology

Green criminology is best understood as an umbrella term that encompasses a wide range of concerns addressing environmental crimes. The most essential in contemporary green criminology are:

- Environmental criminology
- Environmental justice
- Ecological justice and
- Species justice

Simply adopting one of these while trying to analyze CITES as an institution can be a severe limitation, however. There are different concentration of emphasis within the different strands, and they contribute to the understanding of my analysis in different ways. Therefore, I refer to GC as the main overarching theory under which we can understand the issues at hand. Where a specific strand is prominent, this will be outlined. For example, within environmental criminology, what has been referred to as the “interconnectedness” of social and environmental issues has been given special emphasis. Essential to this notion is that social issues, such as poverty, indigenous peoples rights, health, functioning of laws, and exploitation of nature is considered inseparable. Another example: In environmental justice,

one stresses the concern for intergenerational responsibility. This makes for a useful perspective when analyzing CITES, given CITES' focus on sustaining healthy populations of wildlife for this and future generations. I will discuss these perspectives in more detail below. Above are simply examples of when specific strands within GC offer concrete, relevant references that aid in explaining the usefulness in analyzing CITES within the discourse of GC.

Following the concepts within environmental justice, the need for more equitable distribution of resources is of key importance. Trading endangered species and regulating who can participate in such trade suggests that CITES arguably deserves some scrutiny in this respect. This has also been problematized by Ostrom, in her account for economic outcomes of institutions, and how it may disfavor certain groups (Ostrom, 2011). When, as discovered in my field research, various rural groups, both indigenous and small-scale farmers, are subjected to unfavorable discourse as perpetrators of wildlife crime, this can in part be explained in the lack of environmental justice. The access to environmental resources, such as wildlife, has arguably been within their domain for generations, a privilege that has to a large degree been altered by the creation of natural national parks and other environmental legislations. Adding to this, CITES regulations can be said to have curbed the traditional activity in trading and capturing certain species.

While this is arguably done with the objective to protect the species, it nevertheless falls disproportionately on the responsibility of these rural communities, who, in many cases unintentionally participates in environmental crime, and becomes offenders. Compared to the environmental harms caused by "legitimate" actors for the sake of development, this is perceived as deeply unfair. It can thus be argued that CITES, in combination with state's implementation, has not addressed the dimensions of equity that these regulations will implicate, and how it may indirectly incapacitate already marginalized members of society. Not adequately developing mechanisms for distribution of wealth generated by such trade, is furthermore a topical issue when analyzing barriers to compliance with CITES. Seen against the backdrop of equity stressed within GC, CITES has nevertheless been an attempt to regulate trade in vulnerable populations of wildlife, but the outcome seems to be, in the Colombian context at least, that marginalized groups traditionally depending on the sustainable use of wildlife, are not benefitting from these regulations. One could make the counter argument that it is the non-compliance with CITES, and not CITES regulations itself,

that generates this lack of equity important in environmental justice, but the failure to sufficiently developing mechanisms to surpass these barriers, arguably proves to be a fallacy within the CITES regime.

Having said this, it is a recognized aim within CITES to ensure sustainable wildlife population precisely for the reason that it is the dominant source of income for vulnerable social groups. Notwithstanding, my findings seem to illustrate that these considerations in effect, do not work. Scholars of GC have attempted to explain this interrelatedness of contrasting factors. As explored by Brisman and South (2018), “Green criminologists have also engaged in the study of existing and proposed environmental law and regulation, as well as the failures, inadequacies, and inefficacies thereof, which may stem from avoidance of corporate, state, and personal responsibility regarding environmental crimes, harms, and threats, or from an “implementation deficit” due to a country's lack of financial and technical resources, limited expertise in international environmental law, inability to keep pace with the rapid expansion in treaties, overstretched and under-resourced ministries and state institutions, and cultural and religious factors” (Brisman and South, 2018:3).

These illustrations are backed up by Nurse (2017), who notes that marginalized and indigenous groups rarely benefit from environmental legislations and laws, and moreover, are often directly suffering from them. This notion is not straight-forward. In my original development for a topic to research for my thesis, I was interested in how non-compliance with CITES alters the livelihoods of these groups in Colombia. This would stem from a preconception that CITES ultimately functions as a means to improve the conditions for these livelihoods, protecting species from overexploitation through trade, decreasing the likelihood that said communities can lose the basis for their livelihoods. Hence, CITES may, with the normative framework for regulations properly implemented, aid in protecting certain species and the communities that depend on them, consequently. But as elaborated above, the benefits of having access to these environmental resources does not necessarily present progress for the rural communities in question. In fact, CITES may have, just by being attempted complied with, disproportionately blamed indigenous and marginalized communities for exploiting endangered species. The complexity of this issue can thus be attempted shortened down as the abovementioned communities in Colombia are victims of skewed environmental policies adopted, as they no longer can legally engage in activities that have traditionally utilized species in a sustainable manner. They are also thus robbed of one

means of income. Furthermore, they are sufferers of a discourse that places high expectations on them as being conservationists and stewards of natural resources. As these expectations are not met, because they need alternative ways of generating income, for example by participating in illegal wildlife trade, they are disproportionately blamed for being perpetrators of environmental crimes. Again, their experience is that criticisms fall on them rather than on larger-scale infrastructural projects and developmental projects that destructs their natural environment to a greater extent.

It should be noted here that there are big differences between these “projects”. Infrastructure to facilitate hospitals or schools can not be compared with illegal mining or logging for instance. Some are legitimate and necessary, but my informants seemed simply eager to emphasize that legal versus illegal does not necessarily reflect friendly/hostile considering the environment. This might suggest that my informants were particularly concerned with what they saw as exorbitant levels on which industries are given precedence in Colombia. Governments friendly towards commercial projects from international mining companies for example, can have a big impact on flora and fauna. This is exemplified by Nurse (2017), where he pays attention to GCs concern for the neoliberal market as a facilitator of an array of environmental crimes. Legitimate businesses operating within the global trade systems are often based on, and sometimes entrenched in activities that undoubtedly causes environmental harm. The low level of persecution of these harms underline the structural incompetence to fully protect the environment and the stakeholders depending on healthy ecosystems (Nurse, 2017).

6.3. Analysis of findings

Poverty as driver: The vulnerability of indigenous and other rural communities to be involuntarily involved in environmentally detrimental activities has been well documented (Haas and Ferreira, 2018). Several studies suggest that if these communities are provided with alternative livelihoods, cartels and other organized crime-networks might lose a significant mode of obtaining valuable wildlife for international trade. INTERPOL specifically emphasizes root causes for rural communities’ engagement in wildlife crime, amongst which poverty and displacement constitute the biggest reasons (Nelleman et al., 2016). Where poverty is concerned, it is believed both by my informants, and by a larger body of scholars, that there is a pressing need to address structural violence and lack of opportunity amongst the ‘perpetrators on the ground’.

According to Sollund et. al. (2016), the environmental crimes and social structures facilitating them can not be seen in isolation. Indigenous and rural communities who participate in the illegal wildlife trade arguably constitute a group of victims. This victimization can be interpreted in two ways. On the one hand, they are victims of the larger organized criminal networks who take advantage of their proximity to valuable wildlife, their knowledge of ecological systems, and their inability to refuse an offer for income when they are presented with one. On the other hand, they are victims of the wider societal structural violence that place them on the bottom of hierarchies and economic opportunities. The latter is also a consequence of, in spite of advanced and recognized indigenous territories and protected areas in Colombia, the state's failure to provide economic welfare and present opportunities for these groups who live on the margins of organized society. With the numbers of illegally trafficked animal species in Colombia each year in mind, and the increasing involvement of rural and indigenous communities in these environmental harms, it seems plausible that alternative options, increased economic opportunities and a stronger mainstreaming of environmental sustainability is arguably urgent need.

As argued by Bowman (2013:228), there is a need to radically review our current international treaties concerning biodiversity protection. Such environmental norms and institutions depend heavily on the response from individuals as well as from governments. In Colombia, my findings pointed towards the poverty dimension as a reason for why CITES, and environmental institutions in general, is not perceived as sufficiently important. Put in another way, poverty unables the public who live in proximity to wildlife, to appreciate the importance of adhering to these regulations. According to Bowman, these institutions have a responsibility of ensuring the fair and suitable implementation, in combination with the efforts of the signatory states. This is not an argumentation for the failure of CITES as a whole, but might suggest that a reconfiguration and a deconstruction of the misconceptions of CITES is needed to meet current conservation needs (ibid).

Furthermore, considering environmental equity, the marginalized groups in question should be granted a more secure way of benefitting from regularized trade. This latter point is a recurring issue among broader critiques of CITES, as it does not sufficiently account for how different social groups will be affected by rules and regulations implemented. Addressing poverty as a root cause and a major barrier within the CITES regime can thus be a step

towards improved compliance of the convention (ibid). However, it is important to note that poverty is not a root cause in isolation. Rather, it needs to be seen in conjuncture of the international and regional demand for products, and rising wealth in many countries has been proved to be directly linked to increased poaching and IWT (Duffy and St. John, 2013). Therefore, increased effort to demand-reduction should be of increasing priority.

Discriminatory discourse and exclusion of main stakeholders: Given the semi-structured manner in which I conducted my interviews, I found it highly interesting that the questions on interactions between small-scale farmers/indigenous communities and wild fauna prompted such clear suggestions that these communities are unfairly subjected to the discourse on environmental detrimental activity. It might suggest that in the Colombian public debate, too much emphasis is placed on rural communities' role in decreasing wildlife population, while the obvious large-scale activities, both legal (e.g. infrastructure projects, dams, petroleum industry) and illegal (e.g. illicit mining and logging for huge profits) cause much greater harms. Considering that my informants were professionals and bureaucrats working specifically with CITES, national parks, REDD+, indigenous peoples rights, and conservation, they are arguably informed about these elements of injustice to a larger degree than the average citizens in the public debate. While they know that the habits and utilization of wildlife by rural communities are not leading factors in overall harms to biodiversity, it was clear that the discriminatory discourse on this behalf was considered an issue. This is explored by Painemilla et. al. (2010), who show how indigenous peoples worldwide, despite being recognized as protectors of ecosystems unmatched by any other social group, for example in the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP), suffer from being excluded in policy decision-making and the national discourses on environmental protection. Furthermore, they traditionally have been discriminated against on the basis of their beliefs, culture and language (Painemilla et.al., 2010).

Underlining the exclusion of indigenous communities in policy-making is exemplified in a recognition by CITES itself, in a document produced following the CoP17 in 2016. Here, it was stated that CITES has no mechanisms for structurally including local and indigenous peoples when assessing species in the various appendices. This was a welcome statement from the CITES secretariat, and suggests improved inclusion of these groups going forward. However, it also serves to prove that recognition of indigenous peoples voice in the discourse, and indigenous needs and aim to benefit from sustainable trade, have been

completely ignored in the preceding years while the convention has been actively enforced (CITES, 2016). Comparing these facts to the findings of experienced discriminatory discourse on behalf of the indigenous and rural communities in Colombia provided by my informants, this can arguably go a long way in explaining how such misconceptions about rural peoples role in detrimental environmental activities has allowed to persist for many years.

Including marginalized social groups in decision-making: The notion that rural communities have arbitrarily been criminalized based on their traditional customs is given thought and attempted explanation in GC. This is useful in trying to understand my findings in a broader perspective. It is not obvious how rural communities are subjected to criticism to such extents, while at the same time being the main victims of IWT and increased environmental crime. The injustice, and indeed irony in this, is to a certain degree accounted for in the scholarship of GC. Brisman and South (2018) have elaborated on this phenomenon, which despite its lack of logic, is not uncommon. They argue that the blame is often placed on “disenfranchised populations” like indigenous groups, because they have too long been excluded by the forming processes of environmental and social norms. Meanwhile, deeper analysis rather shows that environmental institutions have not reached the level of sophistication on which it will recognize that it is the facilitation of environmental harms by states and corporations, and the combined predominant powers these enjoy, that are particularly pernicious (ibid).

This correlates somewhat to the analysis of the previous finding, where I discussed CITES’ recent acknowledgement of not having included rural communities’ expertise, considerations and livelihoods in shaping the legal frameworks of the convention. It might suggest an intricate explanation to why rural communities are both the principle victims of IWT, *and* considered by some as serious perpetrators. Not fully acknowledging how trade regulations in certain species central to indigenous customs and livelihoods may impact these groups, have lead to strict bans and dispossession of rights to utilize these species. However complicated the mechanisms at play are, they all contribute to the effective understanding of how environmental institutions, in combination with state’s implementation, can be drastically improved if they include rural communities considerations, in the formulation of environmental laws and regulations.

Environmental harms and protected areas: Some studies show how indigenous and rural communities have been completely absent from the planning strategies of biological conservation until very recently. This may have a variety of reasons, but the most dominant is probably the distance between these communities and central decision-making institutions. The lack of dialogue between such communities and local and regional state authorities has also been documented (Painemilla et al., 2010). However, despite my findings from empirical research about how traditional habits collide with national park-legislation, there is little data that can help attribute this problem to wider circumstances. I have outlined the issues related to deforestation and armed conflict, which pushes rural communities to encroach upon ever more areas of untouched land, in the background chapter. Aside from this, I have found little secondary data that show the actual extent of environmental harms inflicted by indigenous groups within national parks. This is not evidence that such harms do not exist. Yet, as discussed in the analysis of previous findings, it is not with the intent of conducting ecological harms that these actions occur. Rather, it is sometimes the only mode of generating some income, when lack of both natural traditional subsistence activities have been altered, and there is no viable economic alternative. Hence, the overlapping of indigenous territories and national parks have arguably had unforeseen consequences.

While the theory shows that rural communities engage sustainably and cautiously with natural environments, the hard-facts suggest that this is no longer feasible for these communities, without the proper safeguarding of their economic survival. Thompson (2004:69) states that the CITES convention is supposed to co-exist with national wildlife laws, and this is arguably where the problem begins. As Colombia has only recently integrated indigenous and rural communities' integrity within conservation policies, as outlined by Painemilla et al (2010), the results from previous decades of national park-creations may have caused the absent considerations of how rural communities need to have law-enforced ability to hunt, collect, and utilize species. This is slightly contradicting to the notion that Colombia is relatively progressive when it comes to demarcation of indigenous territories and protected areas. The explanation may be that despite of this progressiveness, indigenous and rural communities' voices have nevertheless *not* been a part of legislation-developing.

Spreading knowledge about environmental institutions: Communicating not only the importance, but the actual existence of CITES proves to be challenging in Colombia. Even as

I interviewed people who through their work have direct or indirect links with the compliance of CITES, it was not a given that they were all familiar with each crucial aspect of the convention, nor with the different appendices and how they might differ. For example, the indigenous rights- lawyer had limited knowledge of how CITES was implemented in Colombia, but he had extensive knowledge about the rural communities' impact on the shortcomings of such implementation. Regarding the deficient knowledge about CITES among some of my informants, it is not surprising perhaps, that this is dramatically lacking among remote social groups, even if they are faced with related issues in everyday life. Even if the important issue may arguably not be to know about CITES specifically, having information on which species are legal or illegal to trade, should undoubtedly be of high importance. This suggests a need for drastically improving the information channels the communities involved rely on, in order to make improved decisions about which and how they can capture, sell or utilize species.

A thought that comes to mind regarding this is that nation-states, when entering international treaties and obligations, become perhaps more focused on proving their compliance towards the international community. A consequence may be that the internal communication of the treaty, especially to remote areas, is not prioritized. This might be so, even if the remote areas in question, and the populations who reside there, are the dominant stakeholders and subjects of the consequences of either compliance or non-compliance. In addition to *communicating* the treaty, the structural efforts to implement them on local and regional levels may also succumb to the national efforts to uphold formal obligations towards the international community.

Upon reviewing my findings, they suggest that nearly all informants agreed that it is highly probable that almost no indigenous or rural communities who engage in capturing specimens that may exist on a CITES-appendix, know about such an appendix. Furthermore, as explored by Sollund (2013), there are elements within the CITES- structure that puts it in severe pre-condition to be hard to follow. Sollund justifies this by elaborating on how the same animal, according to CITES-regulation, can be both legal and illegal to trade. This depends on whether the specimen has been bred in captivity (legal to trade), or caught in the wild (illegal to trade). What is more, an array of illegitimate businesses have profited from selling false birth-certificates of animals, "proving" that they have been bred in captivity (Sollund, 2013:90). It is clear, however, that one can not attribute the critique of such to the CITES

regime directly. It is, after all, nation-states that have the responsibility to fulfill obligations towards implementation, and the convention highly depends on this (Thompson, 2004). But considering the degree to which CITES depends on nation-states internal effort for implementation, it can be argued that it shall aid signatory states in mainstreaming, integrating, and familiarizing the mandate of the convention to a much higher degree. Colombia is among many signatory states that suffer from weak institutions, low levels of trust and large distance between government and citizens. The convention could thus benefit from providing specialized aid-instruments to these fragile signatory states.

Strengthening the enforcement agencies: Despite problems with corruption within local and regional law enforcement entities, it arguably does not necessarily justify civil punishment on these offenders. The reason for this, as outlined by Nurse (2015), is that it is ineffective in a country where criminality is an inherent problem. This can be argued that is the case in Colombia, where individual workers within remote enforcement agencies do not have a direct link to the overall mandate to protect species from overexploitation through trade. For them, according to my findings, they usually find themselves within a sector that promotes wildlife protective enforcement, but have no personal incentive to resist bribes. Stronger focus on these smaller authorities arguably could make a big difference, and a strong investment in the well-being, moral rationale, and economic welfare among these law-enforcers on the ground should hence be articulated in the environmental law enforcement legislation. CITES might be able to promote such an articulation, but to this day, no such consideration of the actual enforcement entities working in the vast remote areas subject to large-scale IWT, have been done.

Furthermore, Nurse argues that the use of administrative penalties is ineffective as a solution to wildlife crime because it does not address the systemic reasons for why it takes place in the first place. Penalizing the workers guilty of corruption on these low levels is thus a slightly skewed way of addressing the problem. The current operatus of environmental law is too reliant on criminalization, while research evidence suggests that weak enforcement regimes facilitates the ongoing wildlife crime (ibid). According to my informants, this can also lead to a recruitment of employees in the enforcement entities into wildlife crime, which makes the problem much more complex to tackle. Because the ultimate effectiveness and compliance with CITES relies so heavily *not* on national government's willingness to engage actively in CoPs, or even their willingness to become a signatory, but rather, on the everyday integrity of

small-scale individual law enforcement workers in remote local authority entities, they arguably deserve a much wider recognition. The CITES regime depends so much on these efforts on the ground, that to not fully address the structural barriers they face in their work, such as sufficient wages and safety, is undermining the most crucial building stones of the convention. As argued by Bowman (2013), conservation efforts must deploy economic incentives, alongside an array of tactical techniques and approaches amongst those working on the ground, in order to overcome these systemic barriers (Bowman, 2013:235).

Practical challenges: The ease with which CITES permits and documents are being forged is a large issue of concern among the practical and organizational shortcomings of implementation of CITES (EIA, 2017). Investigators from the Environmental Investigation Agency (EIA) have found that this practice is so common that it severely impedes enforcement agents' ability to decipher which documents are real and which are not. The toolkit mentioned in my findings, the "Wildlife and Forest Crime Analytic Toolkit", which was granted to Colombia in 2016 (ICCWC, 2016), is an attempt to mitigate this issue. The toolkit was developed by CITES, UNODC, INTERPOL, World Bank Group (WBG), the International Consortium on Combating Wildlife Crime (ICCWC) and World Customs Organization (WCO). An overview conducted in 2018 shows that Colombia has not reached further than "Step 2" of the implementation process, which contains in total eight steps.

Figure 4. Colombia stage on implementation of Toolkit. Source: CITES Secretariat and UNODC



INTERNATIONAL CONSORTIUM ON COMBATING WILDLIFE CRIME

Implementation of the ICCWC Wildlife And Forest Crime Analytic Toolkit - Summary of progress

| PARTY | IMPLEMENTATION STEPS | | | | | | | | IMPLEMENTATION OF ACTION PLAN RECOMMENDATIONS |
|------------------------------------|----------------------|-----------------------------------|--------------------------|-------------------------|----------------------------|------------------------|---------------------|----------------------|---|
| | STEP 1: REQUEST | STEP 2: NOMINATION OF FOCAL POINT | STEP 3: PREPARATORY WORK | STEP 4: INITIAL MEETING | STEP 5: IN-COUNTRY MISSION | STEP 6: REPORT (DRAFT) | STEP 7: ACTION PLAN | STEP 8: PRESENTATION | |
| Angola | ✓ | ✓ | ✓ | ✓ + IF | | | | | |
| Bahamas | ✓ | ✓ | ✓ | ✓ | | | | | |
| Bangladesh | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Bolivia | ✓ | ✓ | | | | | | | |
| Bosnia and Herzegovina | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| Brazil | ✓ | ✓ | ✓ | | | | | | |
| Botswana | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Chile | ✓ | ✓ | | | | | | | |
| Colombia | ✓ | ✓ | | | | | | | |
| Congo (Republic of) | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| Democratic Republic of Congo (DRC) | ✓ | ✓ | ✓ | | | | | | |
| Gabon | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

The main objective of utilizing this toolkit is among other things to strengthen enforcement agencies and enable workers on the ground to reveal forged documents. The legal CITES transactions are steadily increasing and averages 850.000 permits annually. Legality is nevertheless hard to verify. Most of the illegal trade in wildlife exists alongside the legal trade and utilizes legal establishments such as shipping. The sheer scale of the legal wildlife trade makes it easier to engage in the illegal counterpart, and the masses of various CITES permits and other documents constitutes just one area where such parallel illegal activity is facilitated (Nurse, 2015).

Contrasting ideological proponents within CITES: The “rivalry” between two camps in the philosophical standpoint of CITES, between animals-rights lobbying NGOs (preservation-based) and the trade-friendly, development-oriented (conservation-based) camp, has long impacted how critics view the convention. There is a certain notion that there is a big divide between the light-green and deep-green champions of CITES, and arguably this divides does indeed exist. Thompson (2004) illustrates how some of this division can be explained by how the convention started out as largely based on western perceptions on conservation, which was, and still is tainted by colonialist undertones. With the development

of the convention, this has changed, as outlined in the background section. Now, some stark animal-welfare proponents argue for the complete protection of most species, which stand in contrast to the majority utilization-friendly proponents. This former is seen by some as prolonging of the western/north-based outset on which the convention was based, while the latter argue that trade is necessary to enable local communities in especially developing countries to benefit from wildlife populations.

This tug of war has, according to some scholars, impeded the progressiveness and potential of CITES as an institution to overall enhance and improve nature-human relationships (Bowman, 2013). With this in mind, it seems progressively credible that the views and perspectives derived from green criminology is useful to attribute to the discussion of CITES. Because even though CITES has been largely successful in many respects, this two-sided standpoint of the convention does not in the long term benefit neither the social development paramount in developing countries, nor the preservation of animals for the sake of their own intrinsic value. By adopting the interconnectedness that is present in GC discourse, it might aid in developing a resonance between these two camps. The CITES regime will continue to have problems with implementation if this core disparity within it self is not solved.

CITES for whom? As discussed above, the consequences of non-compliance with CITES victimizes predominantly indigenous and rural groups. This has been discussed in extent in the preceding analysis. Another group that should gain at least a mention, are the animals involved in trade. CITES, it is argued, does not exist with the mandate to protect these specimens from harm or death, because both harm and death occurs in the legal realms of CITES as well. The animals thus constitute the other group of victims, that is yet to be recognized within the CITES regime. Such a recognition could prove beneficial for the overall operativeness of CITES, as it could lead to a stronger morale rationale among all sectors of actors involved. At least, this could be an outcome in the long term. Regarding GC, acknowledging species as victims and readdressing *value*, attributing intrinsic value to species as well, would strengthen the mandate of CITES to ensure more than just economic value for future generations utilizing species. This is analysed by Bowman, who admits that utilitarian ideas seem to be in the foundation of CITES, as with many, if not all, conservation efforts to date. He further argues that this is problematic, seen against the backdrop of a biological diversity in rampant decline. Moreover, instead of dismissing concern for the best interest of the animals as unchecked sentimentality, it should be acknowledged as a

dimension that needs to be included, as the only sensible, politically and economically (long-term) feasible stance to take (Bowman, 2013).

Chapter 7. Conclusion

The preceding thesis has explored the social, economic and cultural structures that drive and generate engagement in illegal wildlife trade. Through investigating stakeholders and victims of this trade, it has attempted to assess dominant barriers to the effective compliance with the multilateral environmental agreement, CITES. Reflecting on these barriers, the thesis has argued that social marginalization and economic instability has driven the main victims of non-compliance to conversely engage in illegal wildlife trade themselves. Indigenous and rural groups of Colombia has, through the process of this investigation, been shown to, intentionally or unintentionally, contribute to the capturing and selling of protected species that place them on the path of trafficking by illicit actors.

The results from qualitative field work and critical analysis of the CITES structure, has found that there are certain structural components of this convention, that make illicit trade prone to operate alongside its legal counterpart. Predominantly, this is exemplified by the export/import permits issued by management authorities in signatory countries, which are easily forged by criminal actors. High quantities of illegitimate permits have been seen to proliferate as they are difficult to differentiate from the legitimate ones. It has thus been argued that CITES is urged to improve its systems of permits to circumvent the ease with which illicit actors take advantage of this. Furthermore, it has been stressed that the environmental crime sector is highly advanced and adaptable, and that CITES needs to surpass this ability, in order to transcend its mandate to protect vulnerable species from illegal trade.

Moreover, this research has shown that elements of obscurity of the legal framework of CITES compromises its integrity. This is exemplified by the rules that deem the same species legal and illegal to trade, depending on the circumstances under which it has been bred. If the specimen is bred in captivity, it may be legal to trade. If it is bred in the wild, it may be illegal to trade. This leniency makes the legal framework easy to corrupt. Illegitimate captivity-facilities has thus grown in number, and false certificates stating that a wild-caught specimen is bred in captivity has had an upsurge. The preceding research has also discussed whether the legal trade of wild fauna may generate an illegal counterpart, by facilitating the

measures required for this to take place. It has brought forth the notion that transnational legitimate businesses conversely is often “hosting” the transport of illegal wildlife trade. This adds to the emphasis of technical and advanced ability among illicit actors, and necessitates a drastic improvement of CITES’ structural legal components, such as permits and trading-conditions.

The analysis has explored how structural aspects of the Colombian context may be ineligible for compliance with CITES. This is in part because CITES requires, for its normative function, a high level of strong institutions and regulations within each signatory state, as it contains certain easily-corruptible legal structures, as stated above. Additionally, Colombia is home to a rich biodiversity coupled with internal conflict, displacement of its peoples, and social and economic inequality among particularly indigenous and rural groups. The analysis has thus found that weak incentives to comply with the convention among enforcement entities, lack of knowledge of the existence of the convention, and lack of economic alternatives to participate in illegal wildlife trade, are considerable aspects of barriers to the compliance with CITES in Colombia.

The preceding thesis acknowledges that CITES is not responsible, nor has the power to implement internal legislation within signatory states. This is fully the responsibility of the nation-state. As with most other multilateral institutions, it is not designed to identify any loopholes in the national structures which may compromise the national technical capacity to comply. However, through considering the institutional role of CITES and weighing it against the necessary capability to enforce environmental protection in signatory states, it is relevant to question the strengths of CITES. By utilizing first the framework of an institutional analysis to address CITES’ institutional roles, it has in turn utilized green criminology to assess the barriers facing CITES. The foregoing discussion is hence based in the perspectives within green criminology that pays particular attention to indigenous peoples rights, implementation deficits, lack of political will and capacity and environmental harms and crimes. Overarching is the recognition that divided perspectives between the institutional role of CITES regarding trade regulation, and the environmental and social context in which it is implemented is unsuitable; rather, a broad-encompassing, holistic perspective is indeed imperative, to overcome the structural barriers identified. Green criminology perspectives have been uniquely helpful in this regard.

Green criminology has also aided towards addressing the internal contrasting ideologies that exists within CITES. It has been argued that two strands arguably exist, one that is inherently utilitarian and conservationist and the other inherently preservationist, concerned with intrinsic value to animals. GC has provided a framework which might be equipped to find a common ground where these two camps can resonate. It has moreover been argued that such a resonance is imperative for the long term improvement and survival of CITES. Colombia has served as a relevant example which reflects systemic and structural barriers that arguably can be attributed to an array of signatory states to CITES. It has also been used as a case study because it hosts essential ecosystems that wildlife depend on.

Future research is undoubtedly needed to further investigate exactly *how* the barriers found in this thesis can be overcome. I emphasize that the field work done prior to this thesis is done by interviewing representatives from mainly the administrative sector, with a limited account for the empirical experiences from the indigenous and rural stakeholder extensively discussed throughout. A deeper research that goes to the core of these experiences will certainly strengthen the findings in this thesis. It is noted that the vast majority of research on wildlife crime and CITES is done from the context of other geographical areas such as Africa, despite Colombia's distinctive situation regarding wildlife crime. As mentioned, it is a country with an established criminal network from preceding decades of armed conflict, vast social and economic hardships, and conversely, progressive indigenous peoples rights recognition and essential, pristine biodiversity endemic to the region. Hopefully, this thesis will serve as a contribution to better grasp the systemic hindrances that impede CITES to fulfill its mandate in Colombia.

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