Article

An Assessment of the Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in Kenya

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Abstract: International trade is hastening extinction for many species of plants and animals despite the fact that many countries have ratified CITES. The adoption of treaties is often symbolic as many countries, especially in the developing world where most biodiversity is found, experience a lack of fit between international agreements and national laws and institutions. Our main objective here is to assess the extent of jurisdictional and institutional fit in the implementation of CITES in Kenya, an important issue given the amount of international trade in wild products and the importance of wildlife tourism to the country. The specific objectives are to assess the following: the capacity and level of coordination among state actors and conservation mandates in national policy and law using a mixed methods approach involving a literature review and 38 key informant surveys representing professional expertise from various stakeholder groups. We found that over 60% of respondents indicated only moderate capacity for the implementation of CITES and coordination between local and central governments. Some participants indicated that judicial officers lack adequate conservation knowledge, thus hampering enforcement via low prosecution rates. A moderate (at best) structural fit involving inefficiencies such as conflicting processes, unequal enforcement, and suboptimal coordination implies a degree of failure in developing the implementation capacity of CITES within Kenya. Our results also show a mismatch between agency staffing and workload at several levels of government, and we make suggestions for improvement.

Keywords: CITES; conservation; coordination; environmental governance; Kenya; policy implementation

1. Introduction

The Convention on International Trade in Endangered Species of Wild Fauna and flora (CITES) entered into force in 1975 and currently has 184 member states. As both a conservation and trade agreement, CITES is the main multilateral environmental agreement (MEA) created to protect at-risk species from unsustainable international trade (see CITES.org). It is frequently lauded as one of the most successful MEAs [1–3]), yet there are many cases of noncompliance worldwide [4]. MEAs generally require that parties implement national legislation tailored to domestic law and policy to better ensure both national policy outcomes [5] and international compliance [6]. The success of CITES globally would hinge on prioritizing the regulation of wildlife trade within countries and facilitating dialogue about reforms needed to address destructive human/wildlife relations between countries. To date, although there has been much progress, there is a long way to go to achieve the effective implementation of CITES worldwide [6].

Wandesforde-Smith [7] considers many MEAs to be empty threats, meaning that many countries sign them without sufficient consideration of their provisions. For example,

CITES came into force in Nepal in 1975 and draft implementation policy was developed in the early 2000s, but numerous violations have come to light more recently [2,8]. The domestication of MEAs into national law does not guarantee implementation. Elsasser et al. [9] suggest that this is especially true if political and socio-economic priorities lay elsewhere, which is the case for many environmental issues [10,11]. The proper implementation of CITES calls for parties to establish monitoring and enforcement capacity as well as prohibition and punishment measures [3], yet countries are frequently faced with changing political environments in striving to comply with supranational laws [12]. For instance, some interest groups can make compliance difficult in order to foster their own economic advantages [13], and some exemptions within the law can complicate enforcement [2]. At the global and national levels, sunshine and carrot and stick instruments are used to encourage compliance via making information widely available, even when limited [14] and using both positive and negative incentive structures [5]. Giliker [15] states that punitive sanctions aimed at averting noncompliance are expensive, while proactive measures such as capacity building can lessen implementation cost by facilitating and clarifying agency roles and responsibilities. While CITES employs a carrot and stick approach through provisions for trade sanctions against violators [16], geopolitical issues can limit their applications [17].

Noncompliance with CITES decreases effectiveness, and questions remain about the extent that enforcement agencies within parties are implementing appropriate domestic legislation [18]. Enabling legislation is a critical tool to implement any MEA, and harmonizing CITES with national law is paramount to improve compliance [19]. Proper CITES implementation requires that countries ensure resources for enforcement, a strong judiciary, up-to-date species listings, and efficient structures for issuing permits and submitting progress reports [20,21].

CITES implementation is key for biodiversity conservation internationally [10], and increasing demands for wild products and the rise of ever more sophisticated poaching methods, compounded by limited prosecutorial capacity and inadequate coordination among agencies, all impede implementation [22]. Kenya's Wildlife Conservation and Management Act of 2013 was passed to address the above challenges [23,24]. There have been other efforts to implement policies reflecting commitments to CITES, including the Constitution of Kenya and the Wildlife, Forest, Environmental, Land, and Fisheries Policies [25], yet serious issues remain. For example, Kenya's wildlife populations decreased by more than 50% over the past 30 years [26], and Kenya was listed as a "Party of Primary Concern" for illicit ivory [23].

While we acknowledge, as do many others [2,8], that many factors outside the purview of any one country complicate CITES implementation within countries and overall, MEAs are only as effective as their individual member states. Here we address these issues within Kenya using a mixed methods approach (below) to assess to what degree agencies and actors charged with implementing CITES in Kenya are effective both directly and in cross-sectoral coordination. Our goal is to identify where policy gaps remain, and from the analysis, we make recommendations to improve CITES implementation and compliance within Kenya. By corollary, the approach taken, and the issues identified, likewise apply to other developing countries facing similar law enforcement issues and capacity limitations.

2. Methods

The study was conducted in Nairobi, Kenya, the capitol city and headquarters of most agencies involved in CITES implementation. We used both qualitative and quantitative approaches [27,28] and exploratory, descriptive, and interpretive research designs [2]. While this qualitative approach is limited in not being amenable to many kinds of detailed statistics, it has proven useful in organizational analyses where many actors can affect outcomes in different ways depending on their positions [27]. Bennett and Satterfiel's [29] governance assessment framework focusing on agency effectiveness was applied by focusing on governmental structures and institutions concerned with CITES implemen-

tation. The UNDP 2018 Users Guide framework provided indicators for assessing agency capacity, structures, and staffing competence [30]. We use jurisdictional responsibility, appropriateness and adequacy of coordination and cooperation between central and county government, national law enforcement agencies, and cross-border cooperation to assess coordination [31]. Indicators for accountability were periodic monitoring and feedback, checks and balances, resource use, and agency transparency. All have been used elsewhere in assessing government responsibilities and effectiveness [32–34].

We also used a multistage sampling design. Purposive sampling was premised on pre-identified qualities [35], and it is generally effective for exploratory research [36]. Selection was based on the role actors play within key CITES implementation institutions, and the stakeholder-base was comprised of officials from government agencies and non-governmental organizations (NGOs). The main criteria for selecting informants were choosing those best suited to inform the research by virtue of their professional position. Respondents from the following national agencies were interviewed: Kenya's Wildlife Service, Police Service, National Museums [37], Forest Service, Revenue Authority, State Department of Laws, Fisheries Service, Ministry of Foreign Affairs, and Judiciary. Other informants included officials from county government and NGOs, such as the World Wide Fund for Nature and African Wildlife Foundation. Thirty-eight key informant (KI) interviews were completed from August through to October 2022. Expert sampling and snowballing [28] were used to identify informants from relevant agencies and organizations. Most surveys were conducted face-to face, but telephone or email surveys were used on occasions when the researcher could not meet respondents in person. KIs were guaranteed anonymity and confidentiality before interviews began; all respondents consented and answered all of the questions.

A general KI guide reflecting aspects of capacity, coordination, and accountability in relation to CITES was prepared and administered to selected informants as a pre-test. Once it was verified, all the participants were asked to consider how their position impacted CITES implementation within Kenya. The main questions asked about their opinions of the effectiveness along a sliding scale of highly effective to ineffective on a number of separate issues (see tables). Since these were open-ended, qualitative surveys, many KIs provided their opinion about other issues as well. We decided on this approach (as opposed to structured surveys) to allow informants to discuss issues they considered personally or professionally important from their unique perspectives (see Section 3). Three to seven informants were interviewed from each selected stakeholder category; all interviews were conducted in English by the first author and were either audio-recorded or written depending on participant consent. Since many responses were not in English, results were tabulated by hand for the final counts, and no software was used.

Descriptive statistics were used to obtain frequencies of counts and percentages. Qualitative content analysis was used for drawing themes from transcribed texts. The highlighting and sorting of texts were undertaken while making comparisons across stakeholder groups [38,39]. Thematic framework identification followed, where line-by-line analysis was undertaken to develop themes inductively from the responses [40]. The analysis was built on themes, and a constant comparison technique [41] was applied to compare answers for deriving general patterns from all the responses.

3. Results

3.1. Suitability of Agency Structure and Staffing to Workload in Implementing CITES

The majority of Kis felt that the structure of the agencies was moderately adequate, while the design of the system was moderately linked (Table 1). The majority also believed that the roles of the agencies were somewhat clear, and the mechanisms of coordination and staffing levels were moderately effective. KIs generally revealed that state agencies are guided by public service regulations for the implementation of institutional mandates. Participants from designated CITES authorities and some frontline implementers stated that CITES functions result from general institutional structures. Participants from po-

lice, fisheries, county government, and NGOs generally felt that the current enforcement structure is not optimal, and some enforcement units were viewed to lack appropriate structures for implementation, while some from KWS disagreed. Many were of the opinion that CITES implementation nationally suffers from a chain of command issues since many agencies are not in the same ministry or at the same level of government:

Table 1. Indicator rating in percentages for suitability of structure and staff-to-workload ratio for Agencies involved in the implementation of CITES.

Indicator	Rating (%), (n = 38)			
Suitability of structure	Not Adequate 7.9	Moderately Adequate 65.8	Adequate 26.3	
Design of systems	Poorly Linked 15.8	Moderately. Linked 55.3	Highly Linked 28.9	
Clarity of roles	Not clear 2.6	Somewhat 52.7	Clear 44.7	
Mechanisms for coordination	Fairly Effective 34.2	Somewhat Effective 44.7	Very Effective 21.1	
Staffing	Poor 5.3	Low 23.7	Moderate 52.60	High 18.40

"State agencies are well structured, guided by public service rules and regulations and…dedicated towards CITES implementation having departments, specialists and boards. Internally, KWS has restructured and staffed a division with expanded staff deployment to cover implementation including CITES and other wildlife related MEAs." A key informant from KWS.

"A clear framework to link systems is lacking and a more accommodative mechanism is needed around main components of CITES that may not directly contribute to CITES but are key to its success." A key informant from Kenya Fisheries Service.

"There are often disharmonies witnessed during revision of species status and review. We usually experience inadequate consultations between agencies." A key informant from Museums.

Most respondents indicated that the illegal wildlife trade goes undetected due to gaps in staffing and porous borders. Others added that there is a lack of fit between staffing and the challenges posed by illegal trade, and there is a need for concerted efforts at key entry and exit points for joint enforcement. In key areas such as one-stop border points, protected areas, and a few other jurisdictions, staffing was viewed as adequate by participants from most agencies. However, responses about staffing-to-workload ratios differed within participants from the management authority. Those in law enforcement indicated that the staffing was good, while those in implementation positions felt that the staffing was adequate at best in some areas only:

"The staff involved in the enforcement of CITES in Kenya work in a platform of a multi-Agency nature with support and guidance of the Central Government as a directive. This ensures that there is enough staffing by all the Agencies involved, the platform includes KWS, National Police Service, Customs Department, Immigration Department, National Intelligence, and Investigative Agencies etc." A KI from KWS.

"Not all entry points are manned by dedicated KWS units to deal with crimes related to CITES. Only Jomo Kenyatta International Airport, and the ports of Mombasa and Namanga have these deployments." A KI from KWS.

"Current staffing level does not seem to match illicit transit of materials, listed under CITES especially for research, business bio prospecting etc. In some cases,

cargo examination waits for too long for agency staff availability." A KI from Museums.

"There is low staffing in remote areas due to limited funds, the available few staff are forced to work more." KI from Kenya Forest Service.

3.2. Competencies and Skills Indicators of Agencies Implementing CITES

Most respondents were of the view that the competence and skills in using tools relevant for CITES implementation were at moderate levels. The capacity to detect and prevent crimes and to investigate and prosecute were generally rated as moderate (Table 2). Many agency personnel thought that not all state officers involved in implementation are well versed on CITES tools and instruments. This included participants from Fisheries, Customs, and Museums, while participants from KWS generally disagreed. Narratives on the competence of jurists differed with respondents; those mostly from national agencies perceived judicial officers as actively involved and well acquainted with the use of tools and instruments related to CITES, while others, mostly from NGOs, Museums, and county government disagreed:

Table 2. Competence and skills indicator rating in percentages of agencies involved in the implementation of CITES.

Indicators	Rating (%), (n = 38)			
	Low Level	Moderate Level	High Level	Very High
Competence in using CITES tool	10.5	57.9	31.6	-
Capacity to detect crimes	5.3	42.1	28.9	23.7
Capacity to prevent crimes	15.8	44.7	23.7	15.8
Capacity to investigate and prosecute	7.9	28.9	34.2	28.9
Appropriate training for institutions	26.3	39.5	34.2	-
Training for judicial officers	21.1	36.8	42.1	-
Appreciation of gravity of wildlife crimes	21.1	26.3	52.6	-

"Not all state agencies staff involved in CITES implementation are skilled in using tools and instruments related to CITES." A KI from World Wild fund.

"Despite numerous trainings on CITES to the Judiciary staff in equipping them with knowledge and skills when handling offences touching on CITES, it has been difficult to retain the same staff due to their organization's working system and culture which requires their transfers to other regions after a certain period. This therefore brings in other staff who have no knowledge or rather very little knowledge on matters touching on CITES." A KI from KWS.

"There are cases which have been lost due to judicial officers not familiar with CITES. This forces the state agencies responsible to appeal cases or Kenya is forced to pay penalties." A KI from Museums.

When asked about the extent of the capacity to prevent crimes related to CITES, respondents from NGOs and state agencies, including museums, indicated that KWS has many jurisdictions to cover since wildlife occurs in both protected and unprotected areas. Due to limitations in staffing, preventing all wildlife crime is difficult. The dominant narrative from customs and KWS was that interagency cooperation was instrumental in preventing crimes related to CITES:

"Prevention is achieved through, patrols, surveillance, security presence, and intelligence fathering. Outside protected areas there is need to incorporate other actors as this presents a gray area. Prevention is further negated by limited intelligence." A KI from county government.

"CITES Kenya has the capacity to handle and manage CITES related matters and are always involved in detection, arrests, investigation and prosecution of

wildlife related matters where the products are scheduled in CITES." A KI from KWS.

Informants from the judiciary and KWS indicated that judicial officers have received adequate training through partnerships between KWS and the Judicial Training Institute. Some explanations by KIs from Kenya Police and Forests backed up the above narrative. However, some KIs, especially from the scientific authority and other agencies such as Fisheries, believed that the CITES training taken by judicial officers is questionable. They reported that the country has lost cases due to judicial officers not being conversant with CITES provisions and sometime giving determinations which conflict with CITES:

"The Judiciary Officers involved with CITES matters have been trained, but the training translates to about only 10%, of the total number of officers on CITES matters, this is mainly so due to the fact that most officers are based outside the targeted areas of stations to be trained on CITES." A KI from KWS.

"There needs to be more training on judicial officers as most of them have no idea on CITES related issues, the perpetrators rely on this heavily as cases would be thrown out for lack of enough know how. There are cases which have been lost due to judicial officers not familiar with CITES. Which forces the implementing agencies to appeal the cases or Kenya is forced to pay." A KI from Museums.

"A judge might order an agency to issue a license to a trader who is transshipping a product while the license should have been issued at the country of origin of CITES listed product." A KI from Kenya Fisheries.

3.3. Coordination Indicator of Agencies Implementing CITES

The cooperation between central and county governments was deemed by KIs to be at moderate levels, while collaboration between national law enforcement agencies and cross-border cooperation was at high levels (Table 3). Many KIs expressed misgivings about CITES coordination between county government and other actors. Participants from the management authority reported that collaborations with county governments were not extensive but that representatives of all county governments participate in discussions.

Table 3. Coordination indicator rating in percentages of Agencies involved in the implementation of CITES.

Indicators	Sub Indicator Ratings (n = 38)			
	Poor Level	Low Level	Moderate Level	High Level
Division of jurisdictional authority	2.6	15.8	36.8	44.7
Central government and counties cooperation	7.9	13.2	60.5	18.4
Cooperation between national agencies	5.3	5.3	39.5	50.0
Cross border cooperation	5.30	7.9	42.1	44.7

Informants from county governments stated that there is some competition in areas where jurisdictions should be complementary. A participant from Museums was of a similar view. However, one participant from county government differed and indicated that the division of authority is appropriate:

"The county governments are involved though not extensively in the discussions of CITES implementation through the Chair of governors who is perceived to carry all the interest of county governments." A KI from KWS.

"More effort should be put to tap on the potential of counties. More work is required to bring these stakeholders on board." A KI from Fisheries.

"Counties only play the role of intelligence gathering, complex issues are escalated to KWS. In some cases when they don't respond on time, we risk letting the issue

go. Our team is not trained to handle armed poachers and traffickers." A KI from county government.

"There is competition on the implementation. I highly recommend counties roles to be well outlined and resources deployed to allow them to manage the reserves. More strategic partnership is required." A KI from Museums.

When asked about the extent of cooperation between national enforcement authorities, participants from KWS, Customs, and Foreign Affairs, as well as some from Museums, indicated that there is an enforcement framework to combat illegal trade through cooperation at entry and exit points. However, some respondents from other agencies such as Fisheries and Forests indicated that there is no proper platform to link agencies in other areas. Others from museums explained that actors are not treated equally, thus affecting coordination. This question was on enforcement operations but, interestingly, a participant from museums reported that sometimes, even at national discussions, sharp disagreements occur between key agencies:

"When an expert is sought to give expert evidence, the lead agencies do not own up the costs and this may make the expert not to provide the needed evidence for processing of cases." A KI from Museums.

"...CITES deals with a transnational crime, in terms of penalties, so there needs to be more coordination with the police, Interpol, prosecutors, OAG&DOJ, Judiciary as well as the KWS, NMK, Min of Env and Forestry and NGOs like Conservation alliance of Kenya, Lewa conservancy, etc." A KI from the State Department of Law.

3.4. Accountability Indicator of Agencies Involved in Implementing CITES

The majority of KIs were of the opinion that most state agencies have an internal accountability mechanism based on performance agreements signed with top management that are evaluated quarterly and annually (Table 4). However, participants indicated that few agencies have the discretion of incorporating CITES activities into performance targets. Participants from Museums and KWS indicated that those agencies do have internal CITES accountability mechanisms through reports submitted to the CITES secretariat. Yet CITES is not a performance target in most other agencies, and wildlife crime-related issues are generally dealt with in an ad hoc manner:

Table 4. Accountability indicator rating in percentages of agencies involved in the implementation of CITES.

Indicators	Sub Indicator Ratings (n = 38)		
	Few	**Moderate**	**Most**
Presence of internal accountability mechanisms	10.5	18.4	71.0
Implementation of accountability mechanisms	10.5	26.3	63.2
Avenues for reporting issues	60.6	21.1	18.4
Periodic monitoring	26.3	39.5	34.2
Stakeholder perception	31.6	34.2	34.2

"There is a lot of transparency and accountability within the Agencies implementing CITES, this is due to the stringent Government checks and balances as well as the Agencies own internal synergies and controls." A KI from KWS.

"Besides a requirement for national reporting on implementation of CITES the developments in performance are reported by offices tasked with responsibility of coordinating and implementing the convention." A KI from KWS.

When asked about internal accountability mechanisms, most KIs revealed that such mechanisms are used for annual evaluations. Some participants stated that the implemen-

tation of performance contracts depends on the availability of funding and sometimes on the management style of superiors. These narratives were about institutional mandates and not CITES per se:

> "Accountability mechanisms are hugely relied on in staff appraisals and other decisions including justification for holding a public office." A KI from Kenya Fisheries.

> "Generally, most agencies do not include CITES in performance targets, however, in Museums we are allowed to include CITES tasks under our contracts." A KI from Museums.

With regard to avenues for raising issues of concern by the public, Kis indicated that state agencies have suggestion boxes, a few have complaint offices, and, in others, print or electronic media can be used to report grievances. Others, including NGOs, felt that avenues for the public to raise issues were not well structured in most agencies:

> "The public and stakeholders normally use any of the available modes/Avenues of communications within the Agencies to report any arising issue or concern, where the same shall be responded to strictly within the stipulated response period if not immediately." A KI from KWS.

> "Most agencies do not have well organized platforms for public to raise issues of concern." A KI from Kenya Forest Service.

When asked about the extent to which monitoring and evaluation are carried out, KIs from the government indicated that there are internal and external mechanisms for most agencies. Some respondents from NGOs, however, indicated that such assessments are not regularly carried out by agencies. These narratives were built on institutional mandates and not CITES:

> "CITES office in Kenya is required to give progress report to CITES secretariat." A KI from KWS.

> "Monitoring and evaluation are put in place as well as performance standards against indicators, however this requires improvements as most agencies are not regularly assessed." A KI from Museums.

4. Discussion

The majority of KIs indicated that the structure of agencies responsible for the implementation of CITES is moderately suitable at best. Good organizational structures should provide for positions, relationships and coordination of units, a hierarchy, and the span of control [42]. In CITES implementation, the moderate structural rating found here could be attributed to a disharmonized span of control because relevant agencies are from different levels and sectors of government with inadequate cross-coordination. Less than optimal structural fit can affect the quality of governance in policy implementation [43]. This implies that it will be difficult to deal with conflicting processes, unequal control, and the apparent interdependence of institutions in CITES implementation [44] in Kenya since the structure is rated only moderately suitable.

Agency-staffing-to-workload ratios were deemed moderate by most respondents. An earlier study [25] observed that KWS had limited personnel for MEA implementation. This implies that enforcement can only be effective in jurisdictions where there is adequate staffing, and that inadequate staffing can affect the quality of compliance [45]. Mismatch between staffing and workload can create a window for smugglers to exploit, and related studies performed in Nepal [2] and Nigeria [46] found that limited personnel negatively affected efforts aimed at preventing CITES-related crimes. Our results imply that limited staffing adversely affects the capacity to detect and prevent CITES infractions, especially in porous border areas and on community lands.

The majority of participants indicated that the state agencies involved in CITES implementation are moderately competent in the use of relevant tools, instruments, and

information. This could be attributed to inadequate training as well as poor mapping of actors. Some enforcement officials, such as customs officers, cannot identify wildlife products, and many ports and border crossings lack expertise from the scientific authorities in many countries [8,12]. This calls for better staffing and more elaborate and strategic training to match skills with enforcement-related demands. The results further indicated that Kenya had a moderate capacity to detect and prevent crimes related to CITES, likely due to the vast amount of unmanned borders, allowing for the easy movement of contraband. Enforcement agencies have many jurisdictions to cover since wildlife occurs throughout the country. Our results also imply that prevention is hindered by limited intelligence within agencies.

This presents an opportunity for enforcement units to cooperate and share intelligence for better outcomes. There is also a need to engage the public and enhance communications and public relations with enforcement units to facilitate intelligence gathering. The country should also consider hiring reformed poachers for intelligence gathering, as occurred in Uganda [47,48]. Opportunities for training were deemed to be too few and limited by KIs due to resource constraints, and most thought that there are few judicial officers knowledgeable about CITES. More training opportunities and the budget to fund them would be required to equip officers with the necessary skills. This is important in that it would likely lead to making the judiciary more effective in terms of prosecutions and convictions.

Jurisdictional authority for CITES is generally coordinated by KWS; as the management authority, it is the implementation focal point for the convention within Kenya. Some participants from other lead agencies, however, pointed out that challenges remain in enforcement and national CITES deliberations related to a lack of clarity of roles and limited discretion for other agencies to provide input. This can cause conflicts by blurring agency relations, thus encouraging competition and rivalry rather than cooperation in implementation. Coordination between the central and county governments in enforcement activities was also moderate according to most KIs. Based on our results, most counties collaborate with state agencies in intelligence sharing, but interactions are not frequent or optimal, and many felt that counties are not adequately involved. This could indicate that certain sectors such as wildlife management have not fully embraced the devolution of power to lower governance, or perhaps counties are yet to develop capacities for effective protected areas and wildlife management. In either case, overlooking counties is detrimental as most illegal wildlife activities (e.g., poaching) first occur on the local scale.

The implementation of CITES should embrace the interplay between lower and higher levels of government, as failure to account for such interactions limit opportunities to harness locally developed solutions for combatting crime. Notably, poor coordination in multilevel governance structures can lead to vertical jurisdictional issues where central institutions desert policy control and local authorities are unable to implement policy properly [49]. Counties should focus on exercising control in areas of their jurisdiction by going beyond the operationalization of protected areas to fully governing them, and KWS should consider creating more accommodations for counties to do so. Horizontal coordination in MEAs is also key to harnessing strengths from various sectors [50].

Participants from customs and other enforcement units pointed out that there is an established legal framework bringing together enforcement agencies to combat the illegal wildlife trade at entry and exit points. This enhances cooperation in some key areas, but it is lacking elsewhere. Some KIs viewed cooperation as less than optimal, citing factors such as poor communication and failure to take responsibility. For instance, one KI argued that when experts are sought to give opinions, lead agencies frequently do not pay their costs, leading to the reluctance of experts to provide testimony for prosecution. Further, some stakeholders (e.g., counties) felt that they are viewed as lesser actors, implying that CITES implementation in Kenya is not fully operating under multilevel governance arrangements. Coordination is moderate likely because the existing policies and legal framework do not explicitly link systems for optimal implementation. Failing to consider synergies

in addressing challenges governed by multilateral agreements are likely to encourage unsatisfactory compliance and implementation [51].

The majority of KIs felt that most state agencies use internal accountability mechanisms. In favor of external mechanisms, state agencies generally have suggestion boxes, a few have complaint offices, and, in others, print or electronic media can be used to report conflicts. Participants from enforcement revealed that public avenues to raise issues are not well structured, apart from contact details on websites. This is an area which requires improvements. Formal spaces for public feedback can promote accountability by allowing agencies to spot weaknesses in performance and challenging them to better their services [27]. Although our study did not assess the forms of agency accountability, most state institutions seemed to have a high regard for political and professional accountability, but this was not the case for public accountability.

The majority of KIs indicated that periodic monitoring is sometimes undertaken and feedback is used, and the lead agencies indicated that there are internal monitoring mechanisms through peer review. Yet there was a convergence of opinions from lead and enforcement units that evaluations are not regularly conducted in many cases. This can hurt accountability and encourage substandard performance. Periodic monitoring and evaluation can enhance the effectiveness and efficiency of institutions by ensuring performance that translates plans into practice [52], thereby minimizing resource misuse while boosting performance. Our findings indicated that the level of public trust—important for stakeholder satisfaction [53]—in state institutions is fair at best. One pragmatic approach proposed [54] is to encourage agencies to promote a more professional culture and environment and invest in practices that earn public trust through public hearings and open-door policies, which can be critical in promoting legitimacy in MEA implementation [55,56].

5. Conclusions and Recommendations

Our results show that the capacity of most state agencies in Kenya is moderately adequate at best with regard to CITES implementation. There is a mismatch between staffing and workload, leading to only moderate levels of capacity to detect and prevent wildlife crimes. Coordination between central and county government in the enforcement and implementation of CITES is suboptimal. Most state agencies promote political and professional accountability, while public accountability is lacking. Based on our results, we make the following recommendations to improve CITES implementation within Kenya:

1. The study revealed that there was inadequate awareness and training about CITES for judicial officers, which can frustrate the successful prosecution and conviction of wildlife law violators. The government should consider setting up specified courts for trying wildlife-related offences in which officers undergo extensive training in wildlife law.

2. Given that our results revealed that coordination was moderate at best, there is a need for more accommodating and robust coordination mechanisms to fully appreciate and incorporate all state actors, while stipulating their roles and responsibilities to improve interagency cooperation as well as reduce unnecessary overlap in CITES implementation. This can be achieved through reviewing and incorporating interagency cooperation into policies, plans, and legal frameworks that define mandates of each relevant agency. A national task force with representatives from all stakeholder agencies, including counties, could be assembled to begin planning for this endeavor.

3. There is a great need to reconsider staffing issues with regard to CITES implementation. Our results imply that agency staffing is sufficient in some areas (e.g., within protected aeras) but insufficient elsewhere. Having proper staff in the right places is a big issue here. For example, staff trained in species identification should be easily accessible to customs and police at ports and border crossings to improve detection rates.

4. More public outreach would improve intelligence gathering nationwide in relation to wildlife crimes. The idea of hiring convicted poachers would also greatly facilitate this endeavor, as has been achieved elsewhere.

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