
THE ROLE OF INTERNATIONAL LAW IN PROTECTING ENDANGERED SPECIES: CASE STUDY OF ELEPHANT CONSERVATION

Kavya Srinivasan, University of Glasgow

ABSTRACT

This article examines the role of international law in protecting endangered species¹, focusing on elephant conservation with an emphasis on India. It provides a historical context of elephant conservation efforts globally and within India, highlighting the major threats to elephant populations. The analysis delves into key international treaties and conventions and their effectiveness in protecting elephants. The article goes on to further discuss regional agreements and initiatives, including African and South Asian collaborations.

The national implementation of international laws is scrutinized through the lens of India's Wildlife Protection Act, 1972, and related laws. Community-based conservation approaches are discussed, showcasing successful programs like India's Project Elephant. Challenges such as poaching, habitat destruction, and human-elephant conflict are addressed, emphasizing the limitations of current legal frameworks and enforcement gaps.

A comprehensive analysis underscores the critical role of international law in elephant conservation and calls for stronger global and national measures to protect these majestic creatures.

¹ United Nations Office on Drugs and Crime (UNODC), Wildlife2024: The Global Response to Wildlife Crime, https://www.unodc.org/documents/data-and-analysis/wildlife/2024/Wildlife2024_Final.pdf

Introduction

The global crisis of endangered elephants² is a critical environmental challenge fuelled by multiple interconnected factors. Both African and Asian elephants face severe threats primarily due to habitat loss and fragmentation caused by human activities such as deforestation, agriculture expansion, and urban development. In regions like India, home to the Asian elephant, these majestic creatures encounter increasing human-elephant conflicts as they compete for space with growing human populations. Poaching for ivory and other body parts remains a persistent threat, despite international bans and efforts to curb illegal wildlife trade. It has been proven in multiple instances that even climate change³ further exacerbates these pressures, affecting elephant habitats and migration patterns.

On a global scale, the plight of elephants symbolizes broader issues within the conservation landscape. Efforts to protect elephants and their habitats span international treaties like Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)⁴, which regulates the trade of endangered species and their derivatives to prevent exploitation and has been signed by over 184 parties in 1973. The Convention on Biological Diversity (CBD)⁵ on the other hand, aims to conserve biodiversity, promoting sustainable use and equitable sharing of benefits arising from genetic resources. Despite these frameworks, challenges still arise in various forms in turn hindering effective conservation outcomes.

Conservation efforts globally, including those in India, emphasize habitat preservation, community-based initiatives, and conflict resolution strategies involving local communities. Projects like India's Project Elephant⁶ are examples of these efforts, aiming to mitigate human-wildlife conflicts and preserve elephant habitats while navigating the complexities of balancing economic development with environmental conservation goals. The conservation efforts acknowledge the fact that as humans occupy more wildlife habitats, competition for local resources, such as food and water, may increase. Conflict escalates when these life-sustaining

² Elephant Population by Country 2024, World Population Review, <https://worldpopulationreview.com/country-rankings/elephant-population-by-country>

³ The impact of climate change on elephants, International Fund for Animal Welfare, available at <https://www.ifaw.org/news/the-impact-of-climate-change-on-elephants>

⁴ Convention on International Trade in Endangered Species of Wild Fauna and Flora, Mar. 3, 1973, 993 U.N.T.S. 243.

⁵ Convention on Biological Diversity, June 5, 1992, 1760 U.N.T.S. 79.

⁶ Project Elephant, Ministry of Environment, Forest and Climate Change, Govt. of India, available at <http://www.moef.nic.in/project-elephant>.

resources become scarce due to factors such as climate change, heightening the competition between humans and wildlife.

The urgency to protect elephants extends beyond ecological preservation; it encompasses cultural significance, biodiversity conservation, and sustainable development. Addressing the crisis requires integrated approaches that blend scientific research, community engagement, policy innovation, and international cooperation to ensure the survival of elephants and their ecosystems for the generations to come.

Historical Context of Elephant Conservation

The historical context of elephant conservation reveals a multifaceted story that spans centuries and is characterised by numerous attempts to safeguard these species amid serious threats to their existence. Elephants have always been of extreme importance to ancient civilizations for ceremonial, cultural, and military purposes.⁷ This is where the origins of conservation efforts can be found. For instance, elephants have long been associated with royalty and religious rituals in India, where they are celebrated and even granted some degree of protection based on regional customs and beliefs.

Elephants faced increased risks throughout the period of colonialism as European nations extracted their tusks for ivory and used them in building projects and military campaigns.⁸ Elephant populations in Asia and Africa were severely reduced during the 19th and early 20th centuries due to the commercial ivory trade. During this time, there was a significant change in public awareness of conservation, which led to the establishment of the first wildlife reserves and protected areas with the objective of preserving elephants and other endangered animals.⁹

Early conservation initiatives responded to these challenges by creating national parks and animal sanctuaries, including India's 1936-founded Jim Corbett National Park.¹⁰ Elephants were able to flourish in these protected areas because they were protected from habitat degradation and hunting pressure. Around the same time, campaigns were launched to raise

⁷ Major-General Sir John Moore, RA.V.C., *Elephants in War*

⁸ Marianna Szczygielska, "Elephant Ivory, Zoos, and Extinction in the Age of Imperialism (1870s–1940s)," *The Body of Animals* (Jul. 5, 2019).

⁹ *History of the Ivory Trade*, National Geographic Education.

¹⁰ Corbett Heritage, Corbett National Park, <https://www.corbettnationalpark.in/corbett-heritage.htm>

awareness of the ecological significance of elephants as keystone species that are essential to the stability of ecosystems and the preservation of biodiversity.

The rise in confrontations between humans and elephants became a serious concern during the 20th century as human populations grew into elephant habitats, causing habitat loss and fragmentation. Elephants began to invade farms and villages more frequently as agricultural practices became more intensive and urbanisation increased. This led to retaliatory killings and further strained conservation efforts.

Elephants still suffer many difficulties today, even with advances in conservation research and the creation of international accords like CITES to control the ivory trade. The demand for ivory from Asian markets is the main source of the ongoing threat posed by illegal poaching. Elephant habitats and travel patterns are changing due to climate change, and human encroachment is further reducing the amount of area these animals have available.

Case Study: Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Adopted in 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a global agreement designed to guarantee that trade does not pose a threat to the survival of species. Elephants are among the more than 37,000 plant and animal species for which CITES controls the international trade by classifying them into three appendices according to their level of protection. Its main goals are to control global commerce, stop species from becoming extinct because of trade, and support ethical and sustainable business practices.

African and Asian Elephants are both classified as having the highest level of protection under CITES Appendix I. The international commercial trade in elephant ivory and associated products is prohibited by this classification unless there are special conditions and stringent regulations. The serious threat that poaching and the illegal ivory trade pose to elephant populations is acknowledged in Appendix I designation. According to CITES, nations must impose stringent laws governing the trade in Appendix I species, granting permits for any legitimate trade and guaranteeing that such commerce has no adverse impacts on wild populations.

CITES has played a crucial role in curbing the global ivory trade and increasing consciousness about the dire situation of elephants worldwide. Through initiatives to strengthen capacities and enforce laws, it has aided in international collaboration in the fight against the illegal wildlife trade. With the help of CITES, a global ivory ban was enacted in 1989, which drastically reduced the market for and traffic in elephant ivory and, in certain cases, stopped the poaching of elephants. Despite its achievements, CITES still has a lot of work to do to ensure that its rules are applied consistently in all of its member states. Conservation efforts are still being hindered by corruption, inadequate regulation in some nations, and the enduring desire for ivory in Asian markets. Differences in national laws and the ability to apply CITES requirements present further difficulties and result in inconsistent enforcement and compliance.

To preserve its elephant populations, India has been a strong supporter of strict trade laws under the Convention on International Trade in Elephants (CITES). Elephants and other endangered animals are protected by the country's domestic legislation, such as the Wildlife (Protection) Act, 1972¹¹, which are in line with CITES regulations. However, despite international cooperation through CITES, India confronts difficulties like habitat degradation, illegal wildlife trading, and disputes between humans and elephants that impede conservation efforts.

Other related legal frameworks for wildlife protection

The 1992-founded Convention on Biological Diversity (CBD), which prioritises sustainable development and the conservation of biological resources, is a complement to CITES. The CBD promotes conservation efforts while attending to socioeconomic demands and urges nations to enact policies that guarantee fair and equal distribution of benefits obtained from genetic resources. Elephant conservation is greatly aided by international organisations like the United Nations Environment Programme (UNEP)¹² and the International Union for Conservation of Nature (IUCN). The Species Survival Commission (SSC) of the IUCN evaluates the state of species conservation around the world and offers scientific advice and suggestions for conservation tactics. Elephants and other at-risk animals are identified and threats to their survival are assessed by the IUCN Red List of Threatened animals¹³, which also provides information to policymakers and conservationists. UNEP coordinates international

¹¹ Indian Wildlife (Protection) Act, 1972, No. 53, Acts of Parliament, 1972 (India).

¹² United Nations Environment Programme, <https://www.unep.org>

¹³ International Union for Conservation of Nature (IUCN), Red List of Threatened Species, Version 2023-1 (2023).

campaigns, promotes sustainable lifestyles, and helps nations put environmental legislation into effect to support worldwide conservation efforts. To combat concerns including habitat loss, poaching, and human-wildlife conflict, UNEP works with governments and stakeholders in the field of elephant conservation. This collaboration fosters international cooperation and the adoption of sustainable management methods. These frameworks and organizations collectively underscore the importance of collaborative efforts in protecting elephants and biodiversity, addressing global challenges through coordinated action, scientific research, and policy advocacy to ensure the survival and well-being of wildlife populations worldwide.

The African Elephant Action Plan (AEAP)¹⁴ is a comprehensive strategy designed to protect African elephant populations throughout their range states. It was created by the African Elephant Specialist Group (AfESG) of the International Union for Conservation of Nature (IUCN). Habitat conservation measures, such as identifying and protecting important elephant habitats, are at the heart of the AEAP. This entails developing wildlife corridors to maintain connection between fragmented habitats, growing protected areas, and encouraging sustainable land-use practices that lessen habitat degradation and loss. The AEAP advocates for increased law enforcement operations, and anti-poaching measures are also essential. Another important component of the AEAP is community participation, which highlights the role that local communities play in conservation initiatives. Incentives to engage in wildlife protection, sustainable livelihood options that lessen reliance on natural resources, and the incorporation of indigenous knowledge systems into conservation tactics are a few examples of methods used to accomplish this. Moreover, the AEAP fosters global cooperation via regional organisations such as the African Union (AU), enabling member nations to coordinate their efforts in order to harmonise policies, pool resources, and carry out cooperative conservation projects that successfully address transboundary conservation issues.

Project Elephant in India is one example of a customised approach to elephant conservation in South Asia, with measures meant to solve local conservation issues. The creation of transboundary conservation corridors in cooperation with nearby nations like Nepal and Bhutan is one important component. Elephant mobility between fragmented habitats is intended to be facilitated by these corridors, which will increase genetic variety and increase the animals' resistance to environmental changes. Project Elephant focuses on building physical barriers

¹⁴ African Elephant Action Plan, African Elephant Fund, available at <https://www.africanelephantfund.org/african-elephant-action-plan>.

like electric fences and trenches to protect crops and settlements, establishing early warning systems to notify communities about elephant movements, and creating community-driven approaches that involve local stakeholders in conflict resolution and mitigation efforts in order to reduce human-elephant conflicts. Prioritising scientific research and monitoring helps shape conservation plans, which include habitat evaluations to identify key areas for protection, population surveys to gauge elephant populations, and GPS labelling to track the movements and behaviour of elephants. By balancing conservation objectives with socioeconomic realities and regional collaboration efforts, South Asian projects seek to establish sustainable management of elephant populations and their habitats, ensuring the long-term survival and well-being of elephants in the region.

Case Studies of Countries with Significant Elephant Populations and challenges in Enforcement and Compliance at the National Level

Kenya, the country with a large concentration of African elephants, has put in place a number of conservation initiatives to save them. The Wildlife Conservation and Management Act of 2013¹⁵, which offers a strong legislative framework for wildlife protection, serves as the cornerstone of the nation's efforts. Kenya has also actively participated in international campaigns for the prohibition of the illegal wildlife trade and is a signatory to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Kenya Wildlife Service (KWS) is essential to the management of national parks and reserves, the enforcement of wildlife regulations, and the conduct of anti-poaching activities.

Kenya continues to face problems with enforcement and compliance despite these efforts. These problems include corruption, a lack of resources for monitoring large conservation areas, and the ongoing demand for ivory in global markets. Significant issues also arise from human-wildlife relationships; increasing human populations and agricultural practices encroach on elephant habitats, resulting in regular conflicts between elephants and residents. But Kenya's elephant population has been increasing since the 1990s, and as of 2021, it was estimated to be 36,280. This represents a considerable turnaround from the sharp decrease to 20,000 in 1989 brought on by widespread ivory poaching. This increase can be attributed to the reduction in

¹⁵ Wildlife Conservation and Management Act No. 47 of 2013, § 5 (Kenya).

poaching and the implementation of the National Elephant Action Plan for Kenya 2023-2032, which outlines comprehensive strategies for elephant conservation.¹⁶

Another significant example is that of Thailand. Elephant conservation is facing enormous issues in Thailand, which is home to a significant population of Asian elephants. According to the IUCN Red List (2009), there are an estimated 2,500–3,200 wild elephants in Thailand.¹⁷ Unfortunately, a number of problems, such as habitat degradation, forest fragmentation, and hunting, have been causing these numbers to decline. Elephant habitats have been severely harmed by the loss and fragmentation of forests, which is mostly caused by human activities like logging and agricultural development. In addition, human-elephant conflicts (HEC) are on the rise due to the increased pressure elephant populations suffer from the growth of communities surrounding protected areas.

Challenges and Limitations of International Law

Elephant conservation is facing serious obstacles due to poaching and the illegal wildlife trade, especially in India. The illicit poaching of elephants for ivory continues despite strict legislation such as the Wildlife (Protection) Act of 1972 in India and international agreements like CITES. The lucrative worldwide ivory market drives networks of poaching and trafficking that operate across borders, as reported by the Wildlife Crime Control Bureau of India.¹⁸ This draws attention to a crucial weakness in national and international cooperation in the fight against wildlife crime.

The Indian Ministry of Environment, Forests and Climate Change (MoEFCC)¹⁹ reports an increase in HEC occurrences that cause crop losses, property damage, and fatalities for both parties. Because they intrude on elephant habitats and migration routes, infrastructure developments like roads and railroads worsen these disputes. The extent of habitat degradation continues to jeopardise conservation efforts both internationally and domestically, even though programmes like Project Elephant seek to reduce these conflicts through habitat restoration and

¹⁶ African Elephant Specialist Group, National Elephant Action Plan, at 23, Mara Elephant Project (2023), available at <https://maraelephantproject.org/wp-content/uploads/2023/08/National-Elephant-Action-Plan.pdf>.

¹⁷ Wildlife Conservation Society, Asian Elephant, Thailand, Wildlife Conservation Society Thailand, available at <https://thailand.wcs.org/en-us/Wildlife/Asian-Elephant.aspx>

¹⁸ Wildlife Crime Control Bureau, <https://wccb.gov.in>

¹⁹ Ministry of Environment, Forest and Climate Change, Government of India, Quarterly Journal, Vol. 2, Issue 2, July-September 2021

community involvement.

The discrepancy between law and enforcement is one of the biggest obstacles to elephant conservation. While comprehensive legislation such as the Wildlife (Protection) Act offer a strong legal framework in India, their execution is frequently hindered by insufficient resources, corruption, and incapacity. A report published by the Centre for Science and Environment (CSE)²⁰ claims that insufficient financing and manpower in numerous Indian protected areas hinders their capacity to manage habitat and carry out efficient anti-poaching operations. In addition, the legal system frequently operates slowly and ineffectively in cases involving wildlife crimes, which results in few convictions and no deterrence.

Similar problems are seen in other nations where elephants are found, aside from in India. For example, poaching and habitat destruction persist in Thailand and Kenya despite robust legal frameworks and international commitments. Effective enforcement of conservation legislation is frequently hampered by corruption in enforcement agencies, inadequate training, and a lack of international cooperation. The World Wildlife Fund (WWF)²¹ claims that these systemic problems fuel an impunity loop that keeps illegal activity going despite legislative initiatives.

Future Directions for International Legal Protection

Elephant conservation initiatives must concentrate on strengthening current frameworks and improving enforcement mechanisms to guarantee the long-term survival of these animals. The first step in doing this is to greatly increase funding for programmes that combat poaching, provide technology for tracking wildlife, and restore habitat.²² To monitor elephant populations and discourage poachers, such financial support is essential for installing cutting-edge technologies like drones and satellite tracking, training rangers, and enhancing surveillance systems. Laws protecting wildlife must be enforced more strictly, and offenders of crimes against wildlife must face heavier punishments. To guarantee uniform implementation of these laws and strengthen the deterrent against poaching and illegal trade, it is imperative to combat corruption within enforcement organisations and court institutions.

²⁰ Centre for Science and Environment, <https://www.cseindia.org>

²¹ World Wildlife Fund (WWF), Living Planet Report 2022: Building a Nature-Positive Society (2022).

²² L. Jen Shaffer et al., Human-Elephant Conflict: A Review of Current Management Strategies and Future Directions, *Front. Ecol. Evol.*, 11 January 2019, Conservation and Restoration Ecology, Volume 6 - 2018, available at <https://doi.org/10.3389/fevo.2018.00235>.

Destroying complex transnational poaching networks requires international collaboration and intelligence sharing. This entails coordinating enforcement actions, exchanging intelligence, and coordinating national policies with global conservation objectives. At the local level, human-elephant conflicts can be greatly decreased, and cohabitation encouraged by incorporating local communities in conservation efforts through education, financial incentives, and sustainable livelihood programmes. Giving these people the tools, they need for maintaining responsibility for their surroundings encourages a sense of accountability and ownership for the preservation of elephants.

Comprehensive habitat protection and restoration measures should be included in international accords such as CITES, as part of holistic conservation strategy. To guarantee sustainability and inclusivity, these policies must strike a balance between socioeconomic development and environmental conservation. Ultimately, funding scientific studies is essential to comprehending the behaviour of elephants, their migratory patterns, and the effects of climate change on their habitats. This information can help develop creative conservation solutions that are adaptable to upcoming difficulties and adaptive management techniques.²³

Elephant survival is closely related to cultural heritage, sustainable development, and global biodiversity. By adopting a multifaceted and cooperative approach, the international community can address the challenges facing elephant conservation and secure a future. To protect elephants and their ecosystems for future generations, concerted action, well-informed policy-making, and grassroots involvement are crucial.²⁴

Conclusion

The loss of elephant habitat, poaching, conflict between humans and elephants, and climate change all contribute to the worldwide elephant crisis, which is a serious environmental concern. Effective conservation is nevertheless hampered by uneven enforcement, corruption, and insufficient funding despite international frameworks like CITES and the CBD.

In the past, international treaties and the creation of wildlife reserves have both been part of conservation efforts. These have served as the basis for contemporary tactics that emphasise the preservation of habitat, community involvement, and conflict resolution. Initiatives with a

²³ Studying Elephants, ed. Kadzo Kangwana, AWF Technical Handbook Series.

²⁴ Bangladesh Elephant Conservation Action Plan 2018-2027.

specific focus on a given region have the potential to be as effective as Project Elephant in India. However, elephant populations around the world are still in threat due to the ongoing demand for ivory and the negative consequences of climate change.

Case studies from various countries reveal the complexities of conservation. Some countries have achieved notable success in increasing their elephant populations through stringent anti-poaching measures and effective habitat management, while others continue to struggle with challenges such as habitat fragmentation and human-elephant conflicts. These examples underscore the need for tailored conservation strategies that address specific local conditions and threats.

A comprehensive strategy that fortifies international legal frameworks and improves enforcement mechanisms is needed to address the situation. To tackle sophisticated poaching networks, future orientations should prioritise boosting financing, utilising technology, and promoting international cooperation. Long-term success depends on including local communities in conservation initiatives through sustainable livelihoods and education. Ultimately, the survival of elephants depends on global commitment to preserving biodiversity, cultural heritage, and sustainable development.