

1 Title: Conservation enforcement: Insights from people incarcerated for wildlife crimes in Nepal

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11 Target audience for the paper: Our target audience includes conservation agencies, decision-
12 makers, enforcement practitioners who are working to curb illegal wildlife harvest and trade
13 globally using enforcement-based interventions, as well as academics (from conservation,
14 ecology, biology and criminology backgrounds, among others) who are debating interventions to
15 address illegal wildlife trade.

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24 Abstract

25

26 There are long-standing debates about the effectiveness and social impacts of enforcement-based
27 conservation, particularly as investments into enforcement increase in response to growing alarm
28 about Illegal Wildlife Trade (IWT). However, there is little data on the people subject to this
29 enforcement, including prison sentences, species targeted, what motivates and deters them, and
30 the social impacts of enforcement. This study identified 384 individuals across Nepal who were
31 in prison for IWT offences in late 2016, and involved interviews (n=116) focused on
32 respondents' trade practices, economic circumstances and motivations. IWT prisoners
33 represented 10-20% of the total prison populations in two regions and often received stiff
34 sanctions, with a range of downstream impacts on respondents' families. Most respondents were
35 arrested for their involvement in the rhinoceros trade (61%). Most were poor (56%) and from
36 indigenous communities (75%), highlighting potentially inequitable impacts of enforcement.
37 Despite common assumptions about the links between IWT, poverty and organised crime, most
38 respondents were motivated by the desire to earn extra income and by the ease of IWT compared
39 to other employment. IWT was neither a primary livelihood strategy, nor had the attributes for
40 formal organised crime. Respondents, particularly poor respondents, seemed to underestimate
41 the risks of detection and incompletely understood the scale of sanctions. Improved public
42 awareness about the scale and social impacts of sanctions could help increase deterrence effects
43 while reducing unintended social harms of enforcement.

44

45 Keywords: conservation criminology; deterrence; enforcement; wildlife trade

46 **1. Introduction**

47 Hundreds of millions of dollars have been recently invested to address Illegal Wildlife Trade
48 (IWT) globally, heavily focused on enforcement-based approaches to conservation in developing
49 countries (Duffy and Humphrey 2014; WB, 2016; Biggs et al., 2017). This has included
50 investments to arm, train and support park rangers; introduction of “shoot on sight” policies in
51 several countries; military and private security deployments to monitor threatened wildlife;
52 efforts to increase fines and prison sentences; and the introduction of new monitoring
53 technologies such as drones and automatic cameras (Biggs et al., 2017; e.g., Hanoi Statement,
54 2016; WCS, 2016; TRAPS, 2017).

55
56 These trends have spurred global debate over enforcement-based and militarized conservation
57 (e.g., Challender et al., 2014; Biggs et al., 2017; McCann, 2017; Gray and Gountlet, 2017;
58 Büscher, 2018), including their purported effectiveness at protecting biodiversity, and the
59 potential for negative social repercussions, such as the criminalisation of local resource users,
60 including poor and indigenous communities (Duffy, 2014; Cooney et al., 2016; Milner-Gulland
61 et al., 2018). There is also mounting interest in the relative benefits of enforcement-based
62 strategies versus alternatives, such as demand reduction, incentives and alternative livelihood
63 development (e.g., Challender et al., 2014; Veríssimo and Wan, 2018; Holden et al., 2018).

64 While there is uncertainty over the long-term social and environmental outcomes of increased
65 enforcement spending, IWT rates have often remained high even in the context of increased
66 enforcement (e.g., see Biggs et al., 2013; Challender et al., 2014). Evidence from other sectors,
67 notably drug enforcement, highlights the limitations of enforcement-focused approaches,
68 particularly given growing focus on reducing the unintended social impacts of drug enforcement

69 among both producers and consumers (e.g., Poret, 2002; Stevens, 2013; Blaustein et al., 2017).
70 Yet, traditional enforcement remains an important part of conservation that is unlikely to be
71 replaced by other interventions (Phelps et al., 2014), although there is a clear need to explore
72 strategies through which to increase its effectiveness and efficiency while also reducing
73 unintentional social harms.

74

75 Despite widespread investment effort, data on the people subject to enforcement—including
76 arrest, prosecution and sentencing rates—are often scattered, inaccessible and unanalysed (if
77 collected at all), while data on demographics, types of offences and motivations are infrequently
78 collected (see Kahler and Gore, 2012; Duffy et al., 2016). These data are not only important to
79 empirically grounding the growing body of scholarship on social dimensions of conservation, but
80 also to designing more nuanced enforcement strategies that target specific drivers and
81 motivations behind participation in IWT (see Phelps et al., 2016).

82

83 Nepal exemplifies enforcement-based approaches to IWT (McLean and Straede, 2003). Widely
84 recognised for its collaboratively-managed community forests, Nepal also has strong
85 enforcement-based responses to IWT of charismatic species (Yonzon, 2006; Sinha, 2010). This
86 includes nearly 7,000 military personnel monitoring protected areas (Nepal Army, 2018),
87 automatic cameras to monitor wildlife (BBC, 2015), and a wave of IWT operations by its Central
88 Investigation Bureau and Wildlife Crime Control Bureaus. Between 2009 and 2014, the number
89 of wildlife seizures increased 10 fold, and IWT arrests increased 8.6 fold (Paudel, 2015).
90 Nepalese law also stipulates high prison sentences and fines for people convicted of IWT
91 offences, and recently increased sanctions for involvement in illegal international trade

92 (summary of legislation in Supplementary Table 1). These strategies have reportedly improved
93 conservation outcomes, resulting in a "zero poaching year" in Chitwan National Park (Aryal et
94 al., 2017).

95

96 These investments demonstrate Nepal's commitment to criminal justice responses to wildlife
97 crime, yet ongoing incidences of domestic and international IWT demonstrate failings in their
98 effectiveness. While punishment is an important part of the overall approach, conservation also
99 relies on preventing offences from happening in the first place. Prevention is partially addressed
100 by situational crime prevention techniques aimed at making it harder for potential motivated
101 offenders to commit crimes in the first place, and this approach has been explored within the
102 context of IWT (e.g., Lemieux, 2014; Moreto & Pires, 2018; Pires & Moreto 2011). However,
103 prevention also depends on reducing the numbers of potential motivated offenders through the
104 deterrence effect of criminal justice sanctions, which is the focus of this paper. Deterrence
105 theory suggests that the effectiveness of criminalisation and enforcement as a deterrent depends
106 on the severity, celerity (swiftness) and certainty of punishment outweighing the motivations for
107 participating in crime. This is also dependent on would-be offenders being aware of the law and
108 the accompanying risk of penalty (Beccaria, 1764; see Nagin et al., 2018 for a thorough
109 discussion of contemporary deterrence theory).

110

111 This study considers why people commit IWT, despite the increases in law enforcement activity
112 and criminal sentences in the Nepali context. It draws on in-depth interviews with prisoners
113 (n=116) across seven jails in Nepal. It describes (1) the people subject to enforcement
114 (demographics, roles within IWT); (2) their offences and sentences, including broader social

115 impacts of their imprisonment, and (3) the reasons behind their involvement in IWT (self-
116 reported motivations, knowledge of sanctions, perceptions of risk). It is, to our knowledge, the
117 first large sample study with people jailed for IWT (although see Hariohay et al. 2019). We
118 believe that it is also the first large study interviewing people imprisoned for environmental
119 crimes in a developing country (cf. Forsyth & Marckese, 1993; Muth & Bowe, 1998; Eliason,
120 2004).

121

122 **2. Methods**

123 With permission granted by the Department of National Parks and Wildlife Conservation and the
124 Department for Prison Management in Nepal, we contacted the information officers of all
125 prisons in Nepal (74) via telephone to identify the number of people currently incarcerated for
126 faunal IWT (Oct. 2016; Supplementary Table 2; a small number of arrests for rosewood trade
127 were not included as these offenders are categorised differently within the Nepalese prison
128 system and it was not possible to easily identify and gain access to these offenders within the
129 research period. As such, we focused on offenders involved in trade in fauna for this project). Of
130 the 74 prisons, 38 sites held people for wildlife crimes, and we conducted interviews with
131 prisoners (n=116) across 7 of these during 2016-2017. For purposes of convenience, we targeted
132 the 5 prisons with the largest IWT prisoner populations and the 2 prisons in closest proximity to
133 Kathmandu (see Supplementary Figure 1).

134 Respondents at the largest prison (Bharatpur prison, Chitwan) were selected from a list of people
135 arrested for IWT in that prison, using the “randomise” function in Excel (31.4% of the
136 population). Where a potential respondent opted not to participate, the next person on the list was
137 approached. At the other sites, we sought to interview all prisoners, which was feasible due to

138 the small populations. Of the 109 people approached in the first round of interviews at Chitwan,
139 Kathmandu Central, Kathmandu Jagannath, Bardiya and Parsa prisons (October 2016 to
140 February 2017), 88 participated (19.3% refusal rate). We then conducted a second round of
141 interviews to increase our sample size at Lalitpur, Rasuwa and Chitwan prisons (June-August
142 2017). In this round 45 people were approached and 28 participated, with the refusal rate
143 (37.8%) climbing following reports that the government was further charging prisoners for their
144 historic involvement in IWT. This happens as new information comes to light, and was not
145 connected to this research, of which we reassured participants prior to gaining consent.

146 Interviews were conducted in Nepali by the lead author, a male who grew up in rural Nepal and
147 has a personal understanding of wild resource harvest and prior experience conducting
148 interviews in prison setting (Paduel, 2015). Prior to interviews, we obtained informed oral
149 consent, following established ethical standards for criminological research (BSC, 2006) and
150 institutional review (Lancaster University FST REC 16045), including explanation that
151 participation was voluntary, anonymous, and would not affect respondents' sentences.

152 Interviews lasted approximately 1 hour, having been granted national permission for extended
153 visiting times (usually 20 minutes), and were conducted in private. As audio-recording was
154 forbidden under prison rules, responses were recorded manually on the research instrument, with
155 more detailed notes written up after each interview.

156 Interviews were structured (full interview schedule in English and Nepali available in
157 Supplementary Materials) and primarily involved closed questions, including multiple response,
158 ranking, Likert-scale and short-answer questions, split into 8 sections: (1) respondent
159 demographics; (2) employment and income, including household income, economic situation
160 and food security; (3) involvement in IWT, including age and year of first involvement, roles

161 participated in, species hunted and traded; (4) current crime and sentence; (5) motives for
162 participating in IWT; (6) knowledge of IWT laws and regulation; (7) perception of deterrence,
163 including perceptions of the risk of being caught, and; (8) social impacts of their incarceration,
164 including impacts on family. Our questions about their knowledge of IWT laws and penalties
165 were informed by a review of wildlife legislation in Nepal and the associated species-wise
166 sanctions (Supplementary Table 1). We included some open questions throughout the interview
167 to follow up on responses to closed questions, including further exploration of respondents'
168 experiences with imprisonment as a result of IWT and the impacts this had on their families.

169 Data from closed questions were coded and analysed using SPSS v.24 to generate descriptive
170 statistics and, using Spearman's Rho correlations, to explore the relationships among variables.
171 We specifically looked at what variables would help us understand variation in respondents'
172 awareness of the laws. For this, three interview questions about knowledge of IWT regulations
173 were combined into a single ordinal variable, "Overall awareness of laws" (range 0-4, using the
174 first three variables in Table 4). We then tested what variables might be explanatory, expecting
175 age, education and economic status to be potential predictors of variation in their knowledge of
176 regulations (Supplementary Table 3). We also explored the relationships between reported
177 motives for participating in IWT and demographic variables, again expecting that factors such as
178 economic status would correlate with motivations such as nutritional and basic economic need
179 (Supplementary Table 4). However, quantitative analyses options were limited by the sample
180 size and heterogeneity within the dataset (e.g., Chi Square results not valid, sample too small for
181 meaningful Latent Class Analysis), and those that we could conduct revealed few significant
182 relationships. Qualitative data from our open questions was subject to simple, manual thematic
183 analysis that involved generating initial codes and collecting illustrative quotes, and then

184 searching, reviewing and reducing themes (Braun & Clarke, 2019). For this paper, the only
185 qualitative data we draw on are examples of social impacts of imprisonment (see section 3.2).

186 **2.1 Collecting data on illegal activity**

187 Researching illegal resource activities can be challenging due to issues such as sensitivity and
188 social desirability (Ruggiero & Khan, 2006; Keane et al., 2008). However, this study employed
189 direct questioning, the validity of which is increasingly recognised in research on illegal drugs
190 (MKG, 2007) and on illegal natural resource use (Gavin et al., 2010; Hinsley et al., 2017). Our
191 interviews occurred in the prison context, which potentially presents fewer concerns about
192 respondent integrity and fewer ethical issues, when compared with research on active offenders.
193 Our sample is not representative of all IWT offenders in Nepal. The sample has geographic bias
194 (e.g., towards lowlands with the largest IWT prison populations), which may have affected data
195 on species, such as the underrepresentation of high elevation species (e.g., snow leopards). The
196 sample only includes IWT participants who were arrested and jailed for their offences, so
197 excludes IWT participants who were not caught, avoided jail time and/or committed offences not
198 deemed severe enough to receive prison sentences. Our sample likely includes a disproportionate
199 number of respondents serving longer sentences. While it is not possible to be sure of the reasons
200 individuals refused to participate, we anticipate that refusals were more likely among offenders
201 involved in organised crime roles. Taken together, our sample is best interpreted as illustrative of
202 people involved in domestic harvest and trade roles who have been subject to arrest and
203 imprisonment and who were willing to participate in interviews.

204 **3. Results**

205 **3.1 Respondent IWT roles and demographics**

206 Out of 74 prisons across Nepal, 38 prisons hosted a total of 384 IWT prisoners during the start of
207 research in late 2016 (Figure 1, Supplementary Table 2), although no historical baseline has been
208 compiled to enable comparison. People convicted for IWT represented a small part of the prison
209 population at most sites (0.1-3.3%), but formed 21.1% of the total prison populations in Chitwan
210 District Prison, 9.6% in Bardia District Prison and 6.4% in Rasuwa District Prison.

211

212 Respondents participated in a range of roles across IWT market chains, including harvest,
213 transport and retail. Harvest was the most common role reported, and only a small number of
214 respondents were involved in international transport (12%, Table 1). Nearly one third of
215 respondents reported involvement in only one role (31.9%), 39.7% participated in two or three
216 different IWT activities and 15.5% reported having participated in four or more different roles,
217 while 12.9% (n=15) did not respond to this question. Involvement in IWT was usually part of a
218 group (54.3%) and often in response to a request from a specific customer (47.4%).

219

220 [Table 1 here]

221

222 The respondents were overwhelmingly male (99.1%), with an average age of 36 at time of arrest
223 (range 17-70). The vast majority 75%, were from the Janajati group of castes (75%), which are
224 largely marginalised indigenous communities from the Tamang, Chaudhary and Chepang/Praja
225 castes. Educational levels varied, including numerous illiterate respondents (31.9%; Table 2).

226

227 [Table 2 here]

228

229 Most respondents self-reported as ‘poor’ across several metrics (Table 3). Self-reported
230 household income at the time of arrest placed most respondents’ households under the World
231 Bank defined poverty line for Nepal (56.0%; approx. US \$ 1.9/person/day). Most respondents
232 also reported that their household income was not enough on which to survive (36.2%) or only
233 enough to cover the day-to-day costs of living (47.4%), with >80% of respondents responsible
234 for at least one dependent (Table 2).

235
236 Participation in IWT was an additional source of income for the vast majority of our respondents,
237 with only 10.3% reporting IWT as their primary occupation before arrest. Respondents reported
238 primary employment across a range of other sectors, but often in insecure jobs within the
239 informal sector, including agriculture (28.4%), informal wage labour (14.7%), transport (8.6%),
240 skilled trades (8.6%) and mobile traders (e.g., of crops, carpets, 8.6%). Many held jobs that
241 involved moving from place-to-place. Notable others included two military officials, two
242 politicians and three secondary school students.

243 [Table 3 here]

244

245 **3.2 Offences, penalties and social impacts**

246 Most respondents were convicted for the harvest and trade of a small number of species:
247 *Rhinoceros unicornis* (Greater One-horned Rhinoceros) (61.2%), *Panthera tigris tigris* (Royal
248 Bengal Tiger) (13.8%) and *Ailurus fulgens* (Red Panda) (12.1%), and were focused in lowland
249 protected areas (Chitwan and Bardia National Parks). Fines and prison sentences varied across
250 cases and taxa (Figure 1; see Supplementary Table 1). Maximum sanctions were imposed in
251 some cases, notably for rhinoceros, including approx. US\$960 fine and >10 years imprisonment.

252

253 [Figure 1 Here]

254

255 Nearly half of respondents described additional negative impacts on their families' livelihoods or
256 children's education as a result of their imprisonment, with 14.5% reporting both. Respondents
257 also described other social impacts, including divorce or estrangement from their wife (n=12);
258 family members having to work harder (n=11, including 2 reports of family members having to
259 take jobs in other countries); having to sell property or close businesses (n=8), and stigma or loss
260 of prestige (n=7, including 1 parental suicide, 1 family changing religion, and 1 daughter unable
261 to marry).

262 3.3 Awareness of law and perceived risk

263 Most respondents reported that they were aware, prior to their arrest, that IWT was illegal
264 (93.1%), although few knew the scale of related fines and imprisonment (Table 4), and only one
265 third stated concern about the possibility of arrest (34.5%). More than half (52.6%) were
266 convicted within one year of their first reported involvement with IWT. Only a minority (8.6%)
267 were repeat offenders, and 16.4% of respondents planned to return to IWT post-release
268 (including 4 of the existing repeat offenders).

269

270 Respondent awareness of laws correlated moderately with household economic status ($r=0.425$;
271 $p<0.01$, see Table 3) and household food situation ($r=0.318$; $p<0.01$), suggesting that poorer
272 respondents were less likely to be aware of the risks of penalty (although direct economic
273 measures of poverty, such as reported household income, were not significantly related to overall
274 awareness of laws; see Supplementary Table 3).

275 [Table 4 here]

276

277 **3.4 Motives for participating in IWT**

278 Respondents reported diverse motivations for participation in IWT (Table 5). Few relied on it as
279 a primary livelihood, and direct household need was not a leading reported motivation (e.g.,
280 money to meet basic needs, 11.2%; IWT to meet nutritional needs, 6.0%). Instead, IWT served
281 primarily to earn extra money (87.9%) and represented a less tiring job than alternative sources
282 of income (37.1%). Family food situation was weakly correlated to the motivation of nutritional
283 need ($r=0.249$; $p<0.01$) and moderately correlated to the motivation of needing money to meet
284 basic household needs, and household economic status was moderately related to needing money
285 to meet basic household needs ($r=.452$; $p<0.01$). We also identified a weak correlation between
286 age of first involvement in IWT and the motivation of finding IWT easier than other work
287 options ($r=.286$; $p<0.01$). No significant relationships were found between reported motivations
288 and demographic variables (Supplementary Table 4).

289

290 [Table 5 here]

291

292 **4. Discussion**

293 Amidst widespread calls for strengthened enforcement to protect biodiversity from IWT, we
294 know very little about the people being imprisoned for these crimes. This study provides unique
295 demographic and motivational data necessary for developing effective and equitable
296 conservation policies. There were clear patterns in respondent demographics, and our sample
297 was principally poor, illiterate, with 75% coming from historically-marginalised indigenous

298 communities (Table 2), although these groups make up only 35.8% of Nepal's population (CBS,
299 2011). However, when considering other variables (e.g. awareness of rules, employment,
300 motivations), our sample was very heterogeneous. The sample size, while large by the standards
301 of prison interview research, was too small to make meaningful attempts at using statistical
302 analysis techniques to develop a typology based on cluster analysis (e.g., via Latent Class
303 Analysis). Nevertheless, the descriptive data illustrates the diversity of IWT involvement.

304

305 Our findings highlight robust conservation enforcement, particularly for charismatic species
306 (tigers, rhinoceros) around lowland protected areas, where as much as 10-20% of the overall
307 local prison populations were people convicted for wildlife crimes. These imprisonment rates
308 illustrate not only the scale of enforcement, but also the scope for additional interventions that
309 aim to help reduce offence rates. On the one hand, penal sanctions can play an important role in
310 individual and general deterrence. On the other hand, high numbers of incarcerated offenders,
311 particularly at the local scale in regions such as Chitwan, suggests that the deterrence role could
312 be more effective. This is especially true given our findings about the lack of awareness of
313 penalties and the risk of arrest associated with IWT among our sample. While punishment and
314 other enforcement activity shows a strong response to IWT, that so many people are still ending
315 up in prison leads us to ask why these people have remained undeterred from participating in
316 IWT offences.

317

318 Criminology offers insights into how to increase the effectiveness of enforcement-based
319 conservation approaches in ways that also help to address social equity. In particular, rational
320 actor perspectives posit that the decision whether or not to commit a crime will depend on the

321 balance between the perceived associated risks and rewards. Classic theory argues that the
322 deterrence effect of a punishment depends on the severity, celerity (swiftness of enforcement)
323 and certainty of punishment following a crime, weighed against the motivation to commit the
324 crime in the first place (Nagin et al. 2018). In the context of this sample, punishment turned out
325 to be certain, severe and swift. All of our respondents were convicted offenders who were
326 imprisoned (certainty) and experienced considerable sanctions (severity): not only were there
327 384 people identified as imprisoned for IWT, but we found significant fines and imprisonment
328 (often >5 years, Figure 1). Moreover, verdicts indicated the use of judicial discretion to apply
329 high sanctions, particularly for rhinoceros trade (Figure 1). The results also highlighted a range
330 of downstream social impacts on respondents and respondents' families. In addition, most
331 respondents were arrested shortly after their first involvement in IWT (high celerity). The
332 persistence of IWT under this enforcement context suggest failing in its deterrence effects, which
333 may be explained perpetrators' motives for participating in IWT and the associated risk-reward
334 calculations.

335

336 **4.1 Motives for IWT participation**

337 A range of economic and non-economic factors shape evaluations of the costs and benefits
338 associated with IWT participation (Cooney et al., 2016). The results demonstrate the role of
339 poverty in driving some offenders into IWT, as indicated by the relationship between reported
340 indicators of poverty (food situation, household economic status) and motivations associated
341 with basic household economic and nutritional needs. Yet, despite high poverty rates among
342 respondents, most did not report basic household needs—either economic or nutritional—as their
343 primary motivations for participating in IWT (Table 5). Making *extra* money was

344 overwhelmingly the most common primary motive, followed by the perception that IWT is a less
345 tiring job than its alternatives. This mirrors our finding that IWT was not pursued as a primary
346 employment by the vast majority of respondents, and that often aspiration (rather than
347 desperation) may be an important IWT driver in some contexts. Peer pressure was also a
348 commonly reported motive (36.2%), which mirrors findings elsewhere that IWT crimes were
349 associated with belonging to a particular social or cultural group (e.g., Nurse, 2011, 2013;
350 Rytterstedt, 2016). Other anticipated motivations such as IWT in response to human-wildlife
351 conflict, for cultural reasons, and for household use were little reported by the respondents.

352

353 These findings reflect growing awareness of the diversity and complexity of IWT motives
354 (Kahler and Gore, 2012; Duffy et al., 2016; Cooney et al., 2016), and the need for more specific
355 terminology to distinguish among the diverse roles in and motivations for IWT participants (e.g.,
356 Table 1, 5; cf. Phelps et al., 2016). These findings also suggest the need to further interrogate the
357 types and perceptions of need, even within poor communities, and in the context of how
358 respondents view themselves (e.g., Mbeti et al., 2011; see Duffy et al., 2016). It supports
359 existing research arguing that poverty reduction alone is unlikely to reduce IWT (TRAFFIC
360 2008), and suggests the need for a more nuanced understanding of motives, so that targeted
361 interventions can respond to specific drivers.

362

363 Significantly, reported motives were not explicitly linked to organised crime, which is a leading
364 narrative in some parts of the conservation community (e.g., London Conference, 2018). In fact,
365 while respondents reported that IWT was often coordinated with others (54.3%), this seems to
366 more closely resemble “crime that is organised”, rather than participation in organised crime as

367 popularly conceptualised (see Pires et al., 2016). Nevertheless, some respondents were involved
368 in international trafficking (12%) and nearly half were responding to requests from specific
369 customers for high-value wildlife products in demand by international markets, which suggests
370 possible involvement with formal networks. While these individuals may represent bottlenecks
371 for strategic conservation interventions to disrupt organised networks (see Phelps et al., 2016),
372 efforts to curb IWT should avoid blindly following logical, but weakly supported narratives, and
373 ensure that they reflect the diversity of reported motivations. Importantly, while there are clearly
374 motivations to participate in IWT, these alone do a poor job at explaining the high rates observed
375 in our dataset.

376

377 **4.2 Low awareness of rules, risks and consequences**

378 The conditions laid out by classical criminological theory have been largely met for most
379 respondents in our sample, the results suggest that other, important underlying conditions were
380 not met. Notably, deterrence relies not only on the intensity of conservation enforcement (see
381 Holden et al., 2018), but also relies on people's awareness of the rules and the consequences of
382 noncompliance, and the resulting sense of risk. There was a minority of respondents who, by
383 virtue of their imprisonment, understood these risks, but who were nevertheless repeat offenders
384 and/or reported an intention to return to IWT after their release. For these individuals, existing
385 enforcement strategies, combined with their risk/reward ratios and underlying motivations, were
386 inadequate to shift behaviour. However, this was the exception among the respondents.

387

388 For most respondents, our results suggest information asymmetries in perpetrators' knowledge
389 about rules, and possible miscalculations in their perceptions of risk (Table 4). Despite high

390 sanctions (Figure 1, Supplementary Table 1), respondents reported low understanding of these
391 rules (Table 4) and limited concern that they might be arrested, alongside low economic reliance
392 on IWT (Table 2). As most respondents were arrested shortly after their reported first
393 participation in IWT, their involvement was also unlikely deeply informed by prior experience or
394 involvement in professionalised IWT and organised crime. This suggests skewed risk-reward
395 calculations among many IWT perpetrators, (although this interpretation does not apply to the
396 minority of repeat offenders). Despite critiques of the “knowledge deficit model” (e.g.,
397 Heberlein, 2012), it is clear that people can only comply with rules about which they have
398 knowledge (cf. Ostrom, 1990), and can only evaluate them if they understand the risk associated
399 with detection, prosecution and sanctions.

400

401 Amidst growing investments into IWT enforcement, public awareness campaigns about IWT
402 enforcement might increase the deterrence effects of existing enforcement. Such efforts might
403 address information deficits about regulations and sanctions, noting judicial discretion in
404 imposing high fines and imprisonment terms, including for taxa that might not be widely
405 considered conservation priorities likely to face stiff sanctions (e.g., common leopard, owl,
406 pangolin; Figure 1).

407 Deterrence aims might also be served by publicising the broader non-legal, often unrecorded,
408 social impacts of enforcement, including on children, marriages and family prestige. These types
409 of elements have proven important to, for example, reducing driving under the influence of
410 alcohol, including through highlighting social sanctions and stigma via media campaigns (Elder
411 et al., 2004; Davey & Freeman, 2011). Such approaches would need to take account of relatively

412 low education levels in some target communities, but use of personal stories might be an
413 effective alternative to simply communicating technical legal details.

414

415 Such expanded public engagement about IWT sanctions is particularly important in the context
416 of new, often strengthened conservation rules, as are emerging in Nepal and some other countries
417 (Supplementary Table 1). Awareness might increase not only the efficiency of existing
418 enforcement investments but also their undesirable social impacts, where it reduces the
419 imposition of severe sanctions on marginalised communities. Importantly, it is a comparatively
420 affordable “add-on” to existing, often high-cost enforcement actions. In September 2019, the
421 lead author used data from this project to inform a public awareness campaign in key IWT
422 hotspots in Nepal. That effort used traditional folk music to communicate the severity of IWT
423 sanctions and share stories about the downstream social impacts of IWT imprisonment
424 (<http://www.greenhood.org.np/2019/09/03/bankokatha/>). There is a clear need to evaluate the
425 costs and effectiveness of such education-based interventions targeting potential IWT
426 participants, as has started to happen with education programmes that target consumers
427 (Veríssimo and Wan, 2018; Holden et al., 2018).

428

429 **4.3 Unintended social impacts of enforcement**

430 Getting the balance between enforcement and deterrence right is important not only because for
431 the effectiveness and efficiency of conservation, but also because our dataset highlights some
432 key social equity outcomes. These are particularly salient in the context of this study, given the
433 marginalised cultural, economic and educational status of many of the respondents. Moreover,
434 poorer respondents were significantly less likely to know the rules. Indeed, IWT often involves

435 poor local residents, the “small fish and scapegoats” who are most easily subject to enforcement,
436 while higher-level “intellectual actors” are infrequently arrested (Ghale, 2017; see Phelps et al.,
437 2016).

438

439 While the results cannot explain why these populations are so disproportionately represented in
440 our dataset, this skew has significant implications for social equity dimensions of enforcement-
441 based conservation. This apparent targeting exemplifies the differentiated, inequitable social
442 impacts that can arise from enforcement-based conservation (see West et al., 2006), which are
443 not a mainstream part of conservation dialogues in Nepal (see Greenhood Nepal, 2018).

444 Moreover, the imprisonment of indigenous people around Chitwan District Prison overlaps with
445 a region where thousands of people were previously resettled outside of Chitwan National Park
446 (McLean and Straede, 2003); 16 respondents reported that they were born within the park—
447 potentially highlighting how current IWT policies may compound the impacts of historical
448 expropriation of indigenous lands.

449

450 While enforcement resulting in imprisonment does not appear to be heavily targeting traditional
451 or subsistence IWT activities (e.g., bushmeat harvest), or trade driven primarily by basic
452 household needs, enforcement burdens are still disproportionately borne by some of Nepal’s
453 most marginalised people. Moreover, many appear to be systematically underestimating the risks
454 associated with IWT, particularly in the context of increasingly enforcement-based responses to
455 IWT. This has profound implications for the efficiency of conservation investments and for
456 unintended social outcomes.

457

458 **5. Conclusion**

459 Much of the debate over enforcement-based conservation is occurring within a fairly data-poor
460 context. Analyses of prison trends and prison-based interviews offer insights for conservation
461 practice and research, and data on enforcement, arrests, sentences and perpetrator profiles (as
462 well as supplementary data about species, roles, destinations, etc.) should become a routine part
463 of interventions that promote conservation enforcement.

464

465 This is meaningful not only because reducing imprisonment is important to individual
466 perpetrators and their communities, but also because it reflects whether enforcement investments
467 are resulting in meaningful change. Indeed, there is a need to better reflect on the intended
468 outcomes that conservation agencies expect will arise from increased enforcement, and there is
469 concern that many interventions may not be accounting for the causal chains linking actions to
470 outcomes (see Biggs et al., 2017). In this case, conservation may best be achieved not through
471 strengthened enforcement alone, but also by accounting for perpetrator knowledge, motives and
472 perceptions of risk, as well as enforcement biases towards certain taxa and types of perpetrators.
473 Strategic modifications might help ensure that enforcement actions are both more effective and
474 equitable.

475

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482

483 **7. Conflict of interest**

484 The authors declare there are no conflicts of interest associated with this publication.

485

486 **8. References**

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655
656

657 **8. Figure and Table Captions**

658 Figure 1. Average fine and prison sentence by species (n=99; remaining cases were awaiting
659 sentencing), compared with maximum allowable sanctions (Supplementary Table 1).

660

661 Table 1. Reported frequency of participation in different roles in illegal wildlife trade (n=116)

662 Table 2. Demographic characteristics of IWT prisoners (n=116)

663 Table 3. Respondents' self-reported economic status at the time of their arrest (n=116)

664 Table 4. Respondent awareness of sanctions for IWT crimes (n=116)

665 Table 5. Reported motivations for participating in IWT (n=116)

666

667 Table 1. Reported frequency of participation in different roles in illegal wildlife trade (n=116)

Roles in wildlife trade chain	Respondents (%)		
	≥10 times	<10	Never
Harvesting	14.7	35.3	50.0
Transporting domestically	9.5	12.9	77.6
Informing other harvesters about wildlife habitat and movement	4.4	17.2	78.4
Consuming wildlife at household level	4.3	4.3	91.4
Retailing to intermediaries	3.4	30.2	66.4
Retailing to consumers	3.4	5.2	91.4
Informing other harvesters about conservation enforcement (patrolling, movement)	3.4	7.8	88.8
Transporting over an international border	1.7	10.3	87.9

Long-term storage of wildlife	0.9	17.2	81.9
Supplying wildlife to friends and neighbors (e.g., local exchange, gifts)	0	11.2	88.8

668

669

Table 2. Demographic characteristics of IWT prisoners (n=116)

Characteristics	Number (%)
Gender	
Male	115 (99.1)
Education Status	
Illiterate	37 (31.9)
Primary School	41 (35.3)
Secondary School	33 (28.4)
University	5 (4.3)
Caste group	
Janajati	87 (75)
Brahmin-Kshetri	18 (15.5)
Dalit	6 (5.2)
Indian and Chinese	5 (4.3)
Number of dependents (aged <16 or >58)	
0	22 (19.0)
1-2	62 (53.4)
3-5	32 (27.6)

670

671 Table 3. Respondents' self-reported economic status at the time of their arrest (n=116)

Indicator	Number (%)
World Bank poverty line (<US\$1.9 per person per day)	
Households below poverty line (based on reported household income)	65 (56.0)
Household economic status	
Not enough to survive	42 (36.2)
Only enough to cover day-to-day costs	55 (47.4)
Comfortable	14 (12.1)
Well off	5 (4.3)
Household food security	
Sometimes children and adults in household do not have enough to eat	7 (6.4)
Sometimes adults in household do not have enough to eat	34 (31.2)
More than enough food to eat	68 (62.4)

672

673 Table 4. Respondent awareness of sanctions for IWT crimes (n=116)

Prior to arrest, were respondents:	Responses (%)	
	Yes	No
Aware that IWT is illegal?	93.1	6.9
Aware of the penalties connected to IWT?	30.2	69.8
Aware of species-wise provisions of those penalties?	86.2	13.8
All species-wise provisions:	10.3	
Some species-wise provisions:	75.9	

Concerned about the possibility of arrest?	34.5	65.5
Will you return to IWT after your release?	16.4	83.6

674

675

Table 5. Reported motivations for participating in IWT (n=116)

Motives	Responses (%)		
	Primary reason	Secondary reason	Not a reason
To make extra money	87.9	6.9	5.2
Less tiring job than alternatives	37.1	26.7	36.2
Money to meet basic household needs	11.2	26.7	62.1
Peer pressure	10.3	25.9	63.8
Household nutritional needs	6	6.9	87.1
For entertainment	4.3	3.4	92.2
Preference for wild meat	0	6	94.0
To show-off	0	5.2	94.8
In response to human-wildlife conflict	0.9	3.4	95.7
To rebel against government authority	0	1.7	98.3
For cultural & religious reasons	0	0.9	99.1
For ornamental household use	0	0.9	99.1

676

