

Wildlife Trafficking the Paradigm Mind Shift

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South Africa and Environmental Crime

How widespread is this Crime?

- South Africa is known for its natural assets, biodiversity and rich culture. The Constitution of South Africa makes special provisions in protecting these assets for further generations.
- These assets are under pressure and form part of the target communities by Transnational Organised Criminal Groupings that are embedded within South Africa, neighbouring countries and other international end user countries.
- Studies indicates a sudden increase of transnational wildlife smuggling activities and consider wildlife crime as one of the most lucrative organised crime activity in the world.
- Rhino poaching in South Africa has escalated significantly since 2008 and has spread from historically protected areas to privately owned rhino populations. Rhino poaching activities have become a risk to South Africa's national security impacting on the environment, territorial integrity, as well as on the human and economic security.
- Border security challenges continue to exacerbate the transnational environmental crime / wildlife crime threat.

South Africa and Environmental Crime

How widespread is this Crime?

- Rhino poaching was declared as a national priority crime threat by the South African Police Service and the DPCI,
- Rhino poaching is but one of the environmental smuggling commodities that needs to be prioritised,
- Other environmental commodities in the like of abalone and cycads are targeted in similar fashion than the rhino threat,
- Protection of Rhino and other species has evolved from an environmental matter to becoming a National and International security issue,
- These activities are being driven by international demand drawing transnational organised crime elements into the lucrative illegal trade.

How does the Organised Criminal Business Systems work within Environmental Crime

- There are two main focus areas in which the Organised Criminal Business Systems operate:

First Focus Area: Official Environmental Affairs.

Syndicates target the administration systems to infiltrate government systems. The focus will be to disrupt, discredited and infiltrate General Administration, Permitting Systems, Laws, Regulations, International Conventions and other control systems.

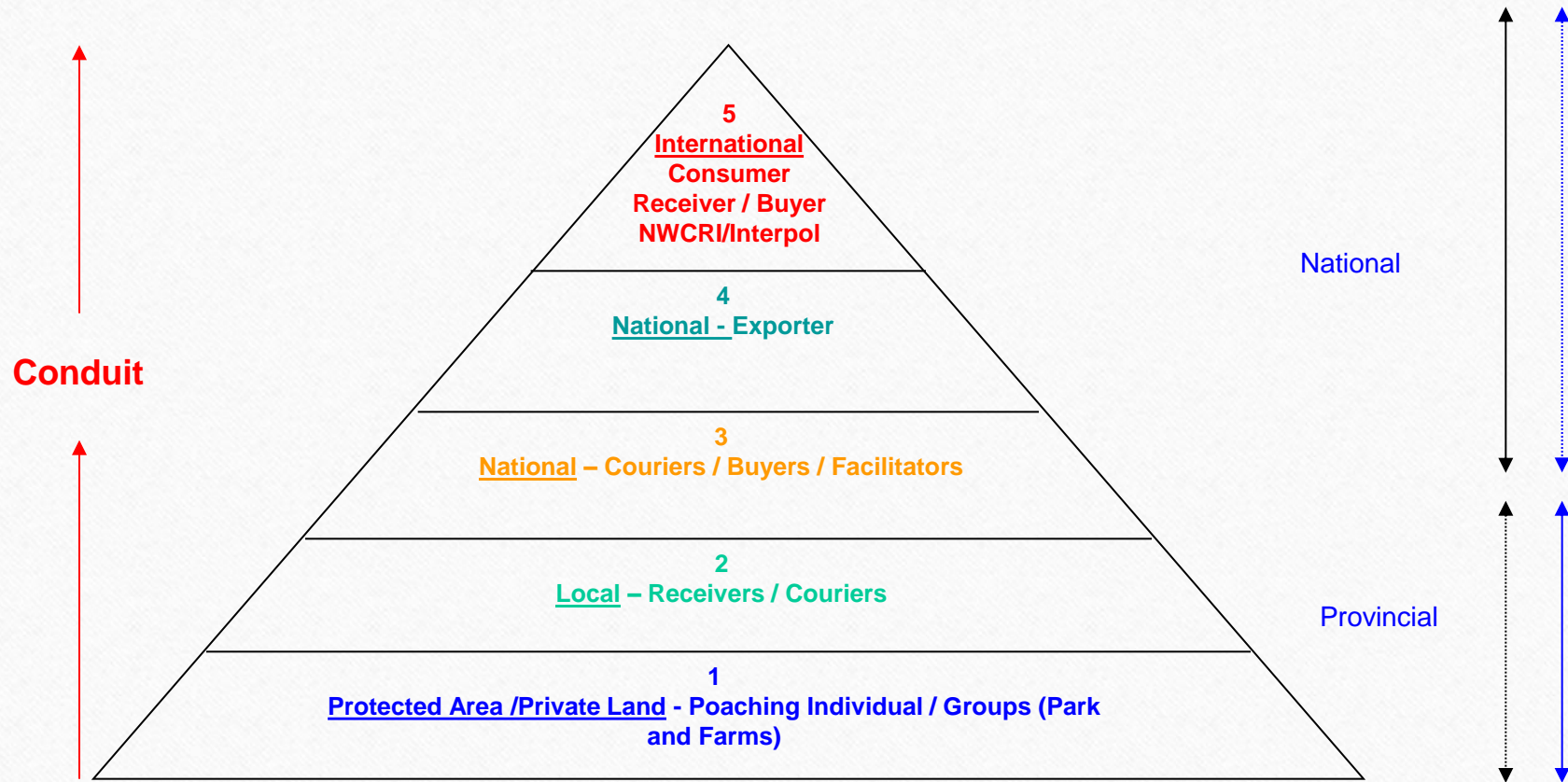
Example: Pseudo Rhino Hunts, Rhino Stockpiles, Exotic Bird Trade, and Cycads

Second Focus Area: Illicit Trans-National Supply and Demand

Syndicates target the environmental resources to supply the illicit demand. In orchestrating the criminal activities these syndicates undermine the Justice Systems and State Security.

Both focus areas are driven and motivated by Greed, Wealth AND Power, which are well supported by legal advisors.

Understanding of the level of the Threat



Reality ?



Poaching v Wildlife Trafficking

- **Poaching**

versus

Trafficking

Emotional

Faceless and fast

One dimensional

Multi dimensional

The Act to obtain the conduit

The Art of concealed actions

Hands On

Hand Off

Foundation of trafficking

Complexed value chain

Investigation Methodology

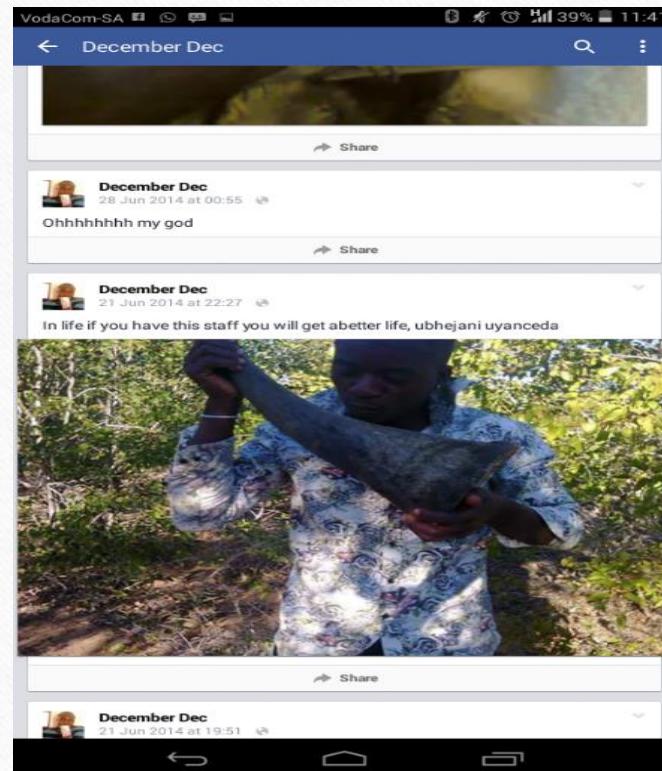


Investigation Methodology

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Money in different ways



Integrated Approach & Law Enforcement Strategy

- The SAPS is currently leading an inter-departmental project team with the objective of developing the country's first National Integrated Wildlife Trafficking Combatting Strategy (NISCWT). Other government role-players, who form part of this project, include departments such as the DEA, NICOC, SARS, SSA, FIC, DOJ & CD and the NPA.
- The primary objectives of the NISCWT are:
 - Improving law enforcement, supported by whole of government and society, to effectively combat wildlife trafficking as a form of transnational organised crime;
 - Increasing the government's ability to detect, prevent and combat wildlife trafficking in South Africa and beyond; and
 - Increasing national, regional and international law enforcement collaboration and cooperation on the combating of wildlife trafficking.
- The SAPS-led inter-departmental project team has completed the strategy and is ready for submission to the Security cluster for approval.

CURRENT INTERVENTION

- In terms of five pillar approach as contained in the Draft Law Enforcement Strategy:
 - Approached Intelligence gathering, coordination and analysis
 - Proactive approach
 - Combat approach
 - Reactive through detection / investigations
 - Communication and liaison

Successes

Racketeering Cases 2010 to 2015

- State v Dawie Groenewald and 10 others 1840 Charges
- State v Big Joe and 8 others 73 Charges
- State v Hugo Ras and 9 others 318 Charges
- State v Sithole and 21 others Charges to be finalised

Successes

S v Rodger Mukwena

Rhino: 10 Years Imprisonment – 19 Cases in Zimbabwe

S V Sigauque

Rhino: 12 Years Imprisonment – Knife and Trespassing

S v Hsien Lung Hsu

Rhino: 6 Years Imprisonment – Half and hour Possession

Successes

- **State v Bethuel Rehlangu and 4 others**
- Five (5) Zimbabwean Foreign National, age between 30 and 48 years old were arrested at Tambotie Flood lands Game Reserve in Mookgophong (Naboomspruit). All five accused were charged for the Illegal Hunting and Possession of firearm and ammunition. They appeared in the Mokopane Regional Court and convicted as follow:
- **Accused 1:** Sentenced to 20 years imprisonment,
- **Accused 2:** Not guilty and discharged,
- **Accused 3:** Sentenced to 9 years imprisonment,
- **Accused 4:** Sentenced to 6 years imprisonment and
- **Accused 5:** Sentenced to 14 years imprisonment without option of a fine.

- **State v Job Tlou and 4 others**
- Four (4) South African citizens and One (1) Mozambican national, age between 66 and 29 years old were arrested for the illegal killing of rhino. All five accused were charged and convicted by the Makhado Regional Court.
- **Accused 1 to 4:** Were found guilty of illegal hunting of rhino and sentenced to 15 years imprisonment and
- **Accused 5:** Was found guilty of dealing in rhino horns and sentenced to 10 years imprisonment.

Successes

- In the Makhado Magistrate's Court in January, six men were found guilty of poaching a rhino on a farm adjacent to the Mapungubwe National Park in Limpopo in July 2014. Five of the accused were sentenced to 15 years imprisonment whilst another was sentenced to 10 years imprisonment. This investigation followed a trail from the Alldays area to KwaMahlanga and Mookgopong and back to the scene of the crime.

Successes

- Another successful prosecution was in the Mokopane Magistrates Court in Limpopo where four men were convicted and sentenced for the poaching of two rhino in the Naboomspruit area in 2013. The poachers - all Mozambican nationals - were arrested in Naboomspruit and Soshanguve.
- The men were sentenced and will serve effective prison terms of between 14 and 20 years after being convicted on charges including the illegal hunting of rhino, illegal possession of a prohibited firearm, and the use and possession of the proceeds of crime.
- This particular case was finalized on the 9th of February 2016

Current Interventions

- **INTERPOL:**

Active participation in INTERPOL Projects: Waylay: Infra Terra and The Gauteng Legotla.

- **Security Clusters:**

Multi-lateral meeting on Poaching - Security Chiefs (Zambia May 2016)

- HAWKS & Detectives Working Conference: (2016)
- SARPOCC: (On going)

Training programme on Wildlife Trafficking

- **Department of Environmental Affairs:**

Training, MOUs, GEF project, DNA,

End

“You have to learn the rules of the game and then you have to play better than anyone else”

Albert Einstein