



BOTSWANA

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PARTY TO CITES (1978) | UNTOC (2002) | UNCAC (2011) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | WILDLIFE ENFORCEMENT NETWORK – SOUTHERN AFRICA (NOT YET OPERATIONAL)

## SOURCE

LOW PUBLICLY REPORTED SEIZURES SINCE 2010

IVORY



## SOURCE • TRANSIT

23.06 kg IN/LINKED TO BOTSWANA SINCE 2010

RHINO



## WORLD'S LARGEST ELEPHANT POPULATION

352 271 ELEPHANTS IN AFRICA

130 451 ELEPHANTS IN BOTSWANA

37% AFRICAN ELEPHANT POPULATION

## DEPT WILDLIFE & NATIONAL PARKS BUDGET

400% INCREASE IN PARKS BUDGET

US\$3m



US\$12m



## BOTSWANA | INVESTING IN ENFORCEMENT

### KEY INDICATORS<sup>1</sup>

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime<sup>2</sup>

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014<sup>3</sup>

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit



ABOVE: ELEPHANTS ARE SEEKING REFUGE IN BOTSWANA FROM POACHING © DARYL & SHARNA BALFOUR 2006

the Department's Anti-Poaching Unit had been increased to BWP130m, from BWP32m when he joined in 2012.

- In 2015, it was reported that Botswana's **Financial Intelligence Agency**, responsible for collation, analysis and dissemination of information relating to suspicious financial activity, was fully operational and working in collaboration with DWNP and other agencies.
- The DWNP has established a **Tourism Intelligence Unit** dedicated to combatting wildlife crime.
- A **National Anti-Poaching Task Team** exists to improve collaboration between enforcement agencies and devise a joint mechanism for combating wildlife crime.
- In June 2014, Botswana hosted a UNODC-led workshop entitled 'Recovering the Proceeds from Wildlife and Timber Crimes – African and Asian Experiences'. Botswana also hosted a Regional Anti-Money Laundering Workshop, involving relevant agencies from 20 countries to discuss financial investigation techniques in the context of international wildlife trade. However, there is insufficient publicly available information to determine whether seizures of **proceeds of crime** have taken place since 2014.
- Botswana is a member of the **Wildlife Enforcement Network of Southern Africa (WEN-SA)**, which is not yet operational.
- It was reported in June 2015 that Botswana would sign an **MoU with Kenya** regarding co-operation in combatting illegal wildlife trade.
- Applying the **ICCWC Wildlife and Forest Crime Analytic Toolkit** is a positive step towards identifying the gaps and actions required to strengthen the criminal justice response to wildlife crime; it is now important to ensure that information is made publicly available on progress made in implementing the recommendations arising from the Toolkit process.

### MAIN OBSERVATIONS

- The budget for Botswana's Department of Wildlife and National Parks (DWNP) has reportedly been increased in order to hire additional personnel, build capacity among law enforcement and procure anti-poaching equipment. In August 2016, Minister of Environment, Wildlife and Tourism Tshekedi Khama announced that the annual budget for

# BOTSWANA | ENSURING EFFECTIVE LEGAL DETERRENTS

## KEY INDICATORS<sup>1</sup>

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

**63/100** TI Corruption Perceptions Index 2015

## MAIN OBSERVATIONS

- Botswana has **no centralised database recording prosecutions and court cases** relating to wildlife crime.
- Botswana's primary wildlife legislation is the **Wildlife Conservation and National Parks Act 1992 (WCNPA)**. Under this Act, the following penalties are stipulated: seven years imprisonment and a fine of BWP10,000 (US\$950) for hunting or capture of a protected species and for importing, exporting, re-exporting or transporting through Botswana any wildlife item without a permit and five years imprisonment and a fine of BWP5,000 for selling or processing unlawfully obtained wildlife items. Stronger penalties are stipulated for cases relating to rhinos or elephants.
- According to a recent study, the DWNP does not have powers of prosecution; **issues have been raised regarding cooperation between the DWNP and prosecutors** and there are no official protocols in place

(Jayanathan, S. 2016). The study also highlights the need for increased awareness-raising initiatives among prosecutors and the judiciary, particularly regarding penalty guidelines and use of ancillary legislation which could be utilised for stronger sentences.

- The **Proceeds of Serious Crime Act 1990 does not include environmental crime as a predicate offence**. There appears to be little concrete evidence regarding the implementation and effectiveness of Botswana's court handling practices in wildlife crimes and use of ancillary legislation for such crimes (Jayanathan, S. 2016).

With an increase in poaching incidents in Botswana, it is important to ensure that the country is well-equipped and prepared for effectively increasing prosecutions and sentencing for wildlife crime offences using a range of applicable laws enabling mutual legal assistance and recovery of proceeds of crime.

# BOTSWANA | ERADICATING DEMAND

## KEY INDICATORS<sup>1</sup>

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

## MAIN OBSERVATIONS

- As home to the world's largest elephant population, Botswana's **strong commitment to protect its elephants** is commendable. It has centralised its stockpile of ivory obtained as a result of natural mortality and has managed activities such as problem animal control (PAC) and seizures. It also has in place a system for conducting an inventory of its ivory stockpile on a routine basis and to separate illegal ivory obtained from seizures and that obtained from other sources. As a member of the EPI, Botswana has committed to putting all its ivory stockpiles 'beyond economic use'. In July 2015, the President of Botswana inaugurated

a 2.5-tonne sculpture of an elephant at the international airport in Gaborone, constructed from the tusks of elephants that died of natural causes, with a view to raising awareness about the plight of African elephants.

- In 2012, **26 tusks were stolen from Government stores** in Kasane and in 2015 three rhino horns were reported to have been stolen from a Government store in Maun.
- **Botswana prohibits domestic and international trade in any wildlife without a permit**, as well as the manufacture of, or trade in, wildlife items imported or obtained illegally. The WCNPA stipulates that 'export, import, transport through and re-export' of CITES-listed animals and products thereof must be in accordance with CITES permits.

## BEST PRACTICE

At CITES CoP17 (October 2016), Botswana announced its willingness to unreservedly and voluntarily relinquish CITES Appendix II status for its own elephant populations to support an uplisting of all African elephants to the much tougher Appendix I protection.

In a statement (Oct 16), Minister Tshekedi Khama stated:

*'In past decades, Botswana supported the idea of limited, legal ivory sales from countries that managed their elephant herds sustainably. We now support a total and permanent ban on the ivory trade, everywhere.'*



ABOVE: BOTSWANA ROUTINELY CONDUCTS AN INVENTORY OF ITS IVORY STOCKPILE © EIA

Although Botswana was one of the countries that sold ivory through two CITES-sanctioned international sales in 1999 and 2008, since 2014 there has been a significant change in policy favouring a precautionary approach to prohibiting ivory trade. Botswana is a co-founder and signatory of the Elephant Protection Initiative (EPI), which includes a commitment to close domestic ivory markets and to a minimum 10-year moratorium on all international ivory trade.