



PARTY TO CITES (1975) | UNTOC (2004) | UNCAC (2004) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | WILDLIFE ENFORCEMENT NETWORK – SOUTHERN AFRICA (NOT YET OPERATIONAL)

SOURCE • TRANSIT

1208 kg
IVORY SEIZED
SINCE 2010
IVORY



SOURCE

1109 kg
RHINO HORN
SEIZED IN OR LINKED
TO SOUTH AFRICA
SINCE 2010
RHINO



SOURCE

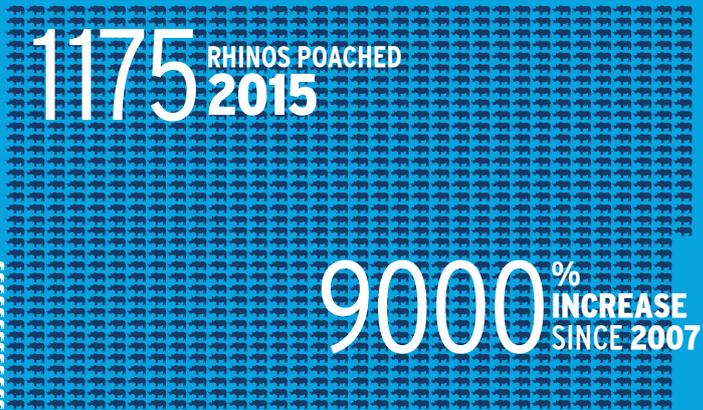
7.76 kg
TIGER
BONES & SKIN
SEIZED IN CHINA &
LINKED TO SOUTH
AFRICA IN 2015
TIGER



GROWING TRADE
IN TIGERS & TIGER FARMS



13 RHINOS
POACHED
2007



SOUTH AFRICA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

- 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 crime²
- Participated in INTERPOL operations on wildlife crime since 2014
- Participated in regional/international enforcement operations on wildlife crime since 2014³
- Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

- **Investment since 2014** has included training of at least 1,047 border officials in wildlife trade issues and the deployment of canine units. In addition, wildlife enforcement in South Africa receives considerable support from NGOs, particularly through the provision of anti-poaching equipment.
- The multi-agency **National Wildlife Crime Reaction Unit (NWCURU)** was established within the DEA in 2010 to facilitate information-sharing and coordinate enforcement responses between provinces. However, it has been reported that the functioning of this unit has been hindered due to lack of resources and co-operation from provincial authorities and police.
- The **Environmental Management Inspectorate** under the DEA plays a key role in wildlife enforcement and can conduct seizures, inspections and arrests, but does not have a prosecutorial mandate.
- **Arrests relating to rhino poaching** have increased, with 317 made nationwide in 2015 compared to 258 in 2014.
- South Africa has signed **MoUs** with China, Vietnam, Cambodia, Mozambique and Laos focusing on cooperation around wildlife management and enforcement and capacity-building. Similar agreements are proposed with Thailand, Kenya, Botswana and Tanzania.
- The South African Police Service's Directorate of Priority Crime Investigations (informally known as the 'Hawks') has an **Endangered Species Section** dedicated to gathering intelligence relating to poaching or trade in protected species.

In 2015, the Police Service and the National Prosecuting Authority received Certificates of Commendation from the CITES Secretary-General in recognition of joint enforcement operations targeting rhino horn trafficking.

BEST PRACTICE

Specialist investigative techniques are used in wildlife crime cases. In September 2014, fingerprint evidence gathered at the scene of a major ivory seizure was used in the conviction of Chinese national Cheng Jielang for possession of ivory and abalone. Cheng was sentenced to 10 years imprisonment and a fine equivalent to US\$426,000. Further, wildlife DNA is routinely collected at crime scenes and analysed at the University of Pretoria Veterinary Genetics Laboratory, and has been used in successful prosecutions. The laboratory also houses a database of rhino DNA profiles from across southern Africa, including from stockpiles of seized horns.

South Africa's Financial Intelligence Centre has been involved in investigations into wildlife crime, including the tracing of funds to a key rhino horn trader and subsequent seizure of ZAR190,000 (approx US\$14,120).

CASE FILES

The National Prosecuting Authority has specialised prosecutors dedicated to prosecuting rhino crimes. In 2010, Dawie Groenewald and other members of his syndicate, which included professional hunters and vets, were arrested for illegal hunting, rhino horn racketeering, money-laundering and fraud. Groenewald is alleged to have illegally sold at least 384 rhino horns over a four-year period. In 2012, the Asset Forfeiture Unit seized assets worth ZAR55m (about US\$6.8m at the time) in this case, but the forfeiture was subsequently overturned by a court. The case remains pending in 2016.

¹KEY INDICATORS ■ Significant progress ■ Some progress ■ Lack of significant progress ■ No data available ²Excluding CITES, UNTOC, UNCAC ³Excludes INTERPOL operations

SOUTH AFRICA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

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

44/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- An increase in the number of convictions and stronger sentences has been noted in recent years, including through the use of ancillary legislation.

- **Training and awareness-raising programmes** aimed at prosecutors and judiciary have included training conducted by the DEA for almost 400 magistrates and prosecutors in 2015. Training and assistance has been provided by the NGO Endangered Wildlife Trust to prosecutors and investigating officers. A 2015 training course in environmental legislation for prosecutors was provided by the DEA and Justice College. In addition, a conference focused on the prosecution of rhino-related crimes for regional and district magistrates was run by the DEA and Judicial Education Institute together with UNEP in May 2015.
- Following on from cases in which organised criminal syndicates hired Vietnamese and Czech nationals with no hunting experience to legally hunt rhino to procure rhino horn—known as '**pseudo-hunting**'—South Africa stopped issuing hunting permits to nationals of these countries.
- **Corruption** is an obstacle in effective enforcement relating to wildlife crime. For instance,

11 policemen were arrested in relation to rhino horn trade in 2015. While various anti-corruption bodies exist, according to a report published by the Global Initiative in 2016, there is no effective anti-corruption strategy within the police and the DEA is also lacking a specific anti-corruption programme. The report also states that corruption is a serious problem in Kruger National Park, where two rangers were arrested in relation to rhino poaching in June 2016, and in certain provincial conservation offices.

CHALLENGE

The National Environmental Management: Biodiversity Act 2004 (NEMBA) provides the broad framework for wildlife protection in South Africa, but each of the nine provinces in the country has the autonomy to implement the national law with their own legislation. According to a 2016 study, substantial differences exist between provincial wildlife laws thereby creating numerous loopholes which undermine effective law enforcement (Jayanathan S., 2016). Significant discrepancies also exist in prosecutorial capacity of different provinces.

SOUTH AFRICA | ERADICATING DEMAND

KEY INDICATORS¹

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

- In November 2015, in a law suit filed by two game breeders, a High Court ruling invalidated South Africa's **domestic moratorium on trade in rhino horn**. A series of appeals by the DEA means that the ban is temporarily valid and reinstated, pending a DEA appeal filed in the Constitutional Court challenging the High Court decision.

- Under NEMBA, the **import, export, possession, and breeding** or trade of any species listed as a threatened or endangered species, or the products thereof, is allowed as long as a permit is issued for this purpose. This list includes rhinos, elephants, pangolins, lions and leopards.
- South Africa was widely expected to submit a proposal to CITES CoP17 to allow for international trade in rhino horn; however, in April 2016 it was announced that the Government would accept the findings of its **Committee of Enquiry**, which recommended such a proposal should not be submitted.
- 39 rhino horns and 75 pieces of **horn were stolen** from a safe in the Mpumalanga Tourism and Parks Board office in 2014.
- In 2015, South Africa hosted the Vietnamese Youth Wilderness Trails Programme, a **demand-reduction campaign** aimed at Vietnamese schoolchildren. Further, an NGO-led workshop held in April 2016 with Government support was attended by 70 Chinese nationals working in South Africa; raising awareness of wildlife law and CITES.

CHALLENGE

According to a July 2015 report by TRAFFIC and WildCru, a minimum of 280 captive tigers are held in 44 facilities in South Africa. At least one of these facilities is owned by a Vietnamese national with more than 50 tigers in the north-west province.

Between 2006–15, 212 live tigers, 25 tiger 'trophies' and 20 tiger skins were exported from South Africa with CITES permits. The same report states that 'fragmented' South African legislation offers 'very little protection' to non-native species such as tigers and that domestic trade 'is not regulated or monitored'.

The report has documented a growing trade in tigers and their parts and products from South Africa and has highlighted a concern that tiger bones from South Africa may be laundered as lion bones using CITES Appendix II permits. Moreover, in April 2015 two Chinese nationals were detained on arrival in Kunming, China, from Johannesburg with tiger bones and a tiger skin in their luggage.