



Tackling Wildlife Crimes

1. Introduction

The morning of 17 July 2012 saw the CPLO hosting a roundtable discussion entitled *Tackling Wildlife Crimes*. Wildlife crimes are often tied to the wildlife trade, organised crime syndicates that fuel poaching, and indifferent governments which provide insufficient legislation and law enforcement. The wildlife trade can be defined as the sale and exchange by people of wild animal and plant resources – buying, selling, bartering, exchanging, importing, exporting, re-exporting. Trade ranges from live animals for the food and pet markets, curios, and medicinal plants to ornamental plants, timber and commercial fish species. Birds, elephant ivory, woodcarvings, rhino horn, abalone, cycads, shark-fins, hunting trophies, shells, mahogany, and turtle shells are all regularly traded species. The roundtable, which was addressed by Markus Burgener, a senior programme officer at TRAFFIC, focused on ivory and rhino-horn poaching, which has resulted in scores of elephants and rhinoceroses being exterminated, as well as the poaching of various forms of marine life. This briefing paper will focus on what are perhaps the two most high-profile targets of poachers – abalone and rhino horn.

2. Marine Life

2.1. Abalone

One of the most illegally traded wildlife organisms is abalone – a type of marine mollusc. The African species that is traded (*Haliotis midae*) is found only in South Africa, making it an endemic species. Abalone is commercially harvested through a wild capture fishery and

from a number of aquaculture operations, mainly for their meat, 95% of which is exported. Abalone fetches the highest price for any seafood product in SA with the biggest market being Asian countries such as China, Vietnam, Japan, Malaysia and Taiwan. The creatures are traded live, frozen, dried or canned and function as a 'status food' served at wedding banquets and high-profile business events; it is not a particularly flavourful or desirable dish.

2.1.1. Impacts

Mr Burgener explored the extent to which poaching and the illegal trading of abalone is problematic in South Africa; the police have made numerous nationwide abalone seizures, arrests and confiscations on a monthly basis over the last decade¹. Abalone is an easily-accessible, high-value product which can be found along an extensive area of the South African coastline, and illegal, unregulated and unreported fishing is done in a highly sophisticated way by organised criminal syndicates, some of which are linked internationally to drugs-smuggling, human-trafficking and the trade in counterfeit goods². The illegal trade is estimated to be worth up to R1 billion per annum, resulting in a considerable loss of revenue to the country.

While the fisheries sector employs hundreds of people, coastal communities are largely characterised by poverty, unemployment and high levels of crime, and involvement in illegal harvesting and trade is almost institutionalised in many of these communities. A range of community members are involved in the poaching process, serving as divers and lookouts, storing the abalone in their fridges, and transporting it to buyers. The illegal trade is

causing terrible social problems within some of these communities since almost their entire livelihood is based on an illegal and unsustainable activity. Legitimate businesses depend on the proceeds from poaching, as goods from the local store, clothes for children, and school fees are all paid for with money obtained from abalone poaching. This activity can be viewed as the economic basis of those communities, and when the stock collapses it will take down with it the peripheral legitimate businesses, as well as depriving the poachers of their livelihood.

2.1.2. Measures to combat poaching

Mr Burgener affirmed that many measures had been employed to stop abalone poaching, including the employment of staff to work on a 24 hour, seven day per week basis throughout the year; the use of high-speed patrol vessels, navy divers, abalone 'sniffer' dogs, unmanned aerial vehicles, helicopters and fixed-wing aircraft. At one stage there were two environmental courts, one of which was used specifically for abalone offences, and the applicable legislation was amended to secure greater penalties in terms of fines and imprisonment. The speaker estimated the annual cost of these measures at approximately R25 million, but despite this expenditure the country is on the losing side in the battle against abalone poaching. Mr Burgener attributed this failure to inadequate leadership, and the lack of a lead agency that can direct the fight and co-ordinate with other state agencies and resources. Our domestic legal and policy framework is adequate, but we lack an international agreement for use in our quest to eradicate abalone poaching and restore our dwindling abalone stocks. Abalone was on the Convention on International Trade Endangered Species (CITES) list for two years after being removed due to the failure of SA to effectively implement the requirements of the listing.

2.2. Other illegal marine trade

2.2.1. Sharks

While many sharks are caught for their meat, the biggest market is for shark fins. Estimates of between 70 and 100 million sharks are killed globally each year by means of the fins being cut off while the sharks are still alive and them being thrown back in to the sea where they suffocate and die. The practice is banned in many countries, but it persists. The shark-fin trade is

also targeted at the Asian market, where shark-fin is a must-have at special occasions for many Chinese.

2.2.2. Lobster

Mr Burgener also mentioned the 2002 case of Hout Bay Fishing, which was charged with over-fishing south-coast rock lobster, west-coast rock lobster, and hake, as well as the illegal harvesting of Patagonian tooth fish. An additional 301 charges of corruption and bribery were laid, resulting in 14 Marine and Coastal Management inspectors being successfully prosecuted. In total, the penalties following a plea-bargain amounted to approximately R40 million – the highest fine yet issued for a fisheries infringement. The environmental and social damage caused by this illegal harvesting is still affecting the Hout Bay community, and although the accused (Arnold Bengis, Jeff Noll and David Bengis) were asked to pay restitution to the South African state, the amount involved is minimal compared to the amount the country lost in the form of jobs, revenue and marine resources as a result of the trio's illegal actions.

2.3. Tackling the illegal marine trade

Various options were discussed at the roundtable:

- It was suggested that SA should start by building the capacity of fisheries and other relevant compliance officials to detect illegal harvest and trade, as well as that of officials in the criminal justice system to secure convictions and strong sentences in environmental crime cases.
- Greater regional collaboration in order to pool resources and information. Neighbouring countries such as Mozambique (no commercial abalone resources), Zimbabwe (landlocked), Swaziland (landlocked), and Kenya are exporting abalone which originates in SA. Destination countries must also be engaged in this regard. One of the failures in the fight against abalone poaching is that we haven't looked to international measures to tackle it.
- Corruption is a key factor in illegal fishing and harvesting, so we need to build goodgovernance systems. According to Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries, a preliminary investigation reveals that there is corruption within the fisheries

branch of her ministry; this involves the allocation of quotas and permits, the transfer of rights, and preferential treatment given to certain businesses.

- Consumer responsibility must be encouraged; we need to be more aware and responsible about what seafood we buy. The South African Sustainable Seafood Initiative (SASSI) uses SMSs to make it easy for consumers to find out about the legality and sustainability of the seafood they are about to purchase.³

3. Rhino Poaching

Ninety percent of the global black rhino population is situated within the borders of SA, and since the beginning of the year a total of 312 have been killed.⁴ There is no doubt that we have a crisis on our hands; what remains is the question of how we are dealing with it. Decisive leadership and political will is needed.

3.1. Who are the poachers?

There are different levels in the poaching domain – subsistence poachers, who are basically grassroots poachers using snares or hunting with dogs; commercial poachers who are well organised, usually with an ex-military background, and involved in other criminal activities; and professional poachers, who are often wildlife industry professionals who use helicopters, dart guns and scheduled drugs.

The popularity of rhino horns stems from the fact that they have been a key ingredient in traditional far-east Asian medicine, dating back centuries. They are used to reduce temperature, treat high fevers and convulsions, and control haemorrhaging, as well as to assist the liver in cleansing the blood of toxins resulting from the intake of alcohol or poison (detoxification). There is no solid account of rhino horn as an aphrodisiac and the few studies looking at the medicinal properties do not yield positive results; the notion that rhino horn can cure various ailments is possibly psychosomatic because studies show that it has the same effect as chewing one's nails – both consist of keratin, which has no known medicinal properties.

3.2. What can be done?

- Dehorning of rhino is said to be a solution because it reduces the

incentive to poach, making the rhino safer because they have less chance of being killed. The horns can be stored safely elsewhere or destroyed, and thus far there have been no negative social impacts detected, although further research is needed. Dehorning does, however, have some drawbacks, one of which is the risk involved in anaesthetising the rhino – for just as in humans the process can result in death. Dehorning also poses problems in that it results in the mere transfer of the poaching risk, instead of the elimination thereof; it is not feasible for large populations; it still requires an intensive anti-poaching effort; it diminishes the aesthetic appeal of rhino (from a tourism point of view); and rhino horns re-grow, making it an interminable exercise.

- There is little control and enforcement against poaching and this lack of an integrative approach is proving to be highly problematic. The authorities need to focus more on these aspects as well as the effective use of resources such as Interpol and bilateral relations in order to increase efforts to exclude rhino products from Oriental medicine.
- The need for training and capacity building is an imperative factor in this fight; enhanced law enforcement and prosecutions would increase the morale of the people working in the field. It is suggested that improvements in communications between law enforcement and monitoring groups would amplify the chances of the perpetrators being caught; and that there should be support for field law enforcement efforts through improved training in paramilitary skills.
- Another proposal is that any person convicted of a poaching offence should immediately have their possessions seized by the Asset Forfeiture Unit. Any pilot found participating in poaching activity should have their licence revoked and their name forwarded to the International Civil Aviation Organisation (ICAO) so that they would be unable to obtain a similar licence in other countries.

- A range of conservation agencies recommend that a secure DNA database should be formed into which the private game industry could feed information. The government also needs to look at establishing an efficient and effective database to manage the issuing of hunting permits and licences to move rhino. Increased disincentives, especially prison terms, should be considered, as fines are considered as just another operational cost.
- The very high demand on the black-market in Asia is the major factor fuelling the demand. If black-market prices were brought down, this would reduce illegal demand and poaching. Opening up the legal trade in rhino horn is a possible way to do this. Proponents of the trade also argue that considerable revenue can be generated from the legal sale of rhino horn.
- The demand for rhino horn in Asia could be reduced by a long-term strategy for raising awareness in user countries. By reducing the demand through use of media channels, accurate and targeted information campaigns, and celebrity endorsements, the cause of poaching could be addressed and, hopefully, be brought to an end.⁵

4. Conclusion

The use of abalone, shark-fin and rhino horn is culturally sensitive, and we must be careful in our dealings with destination countries in our quest to 'Save the Rhino'; not everyone shares Western perceptions, or realises what long-term harm is being done to biodiversity and the survival of species. In our tackling of the illegal wildlife trade, human behaviour change must be researched in order to convince communities to discontinue using what they consider as trusted medicine. A message from within the consuming cultures would probably be most successful in this regard.

One of the countless problems with organised crime syndicates is the copious amounts of money involved, which make the poachers easily replaceable. In addition, the main players are at times politically connected, causing investigations and arrest attempts to be thwarted. The many efforts to do away with illegal wildlife trade are going to cost millions of Rands. Some would argue that this is money which we do not have; others would point out that we stand to lose much more if our abalone, rhino and other endemic species are allowed to be hunted to extinction.

Palesa Siphuma
Researcher

¹ Brill, Gregg Clifford. The Tip Of The Iceberg: Spatio-Temporal Patterns Of Marine Resource Confiscations in the Table Mountain National Park, pg 32. <http://scholar.sun.ac.za/handle/10019.1/20229>

² Department of Agriculture, Forestry and Fisheries Press Statement: The *Fight Against Poaching Will Continue*, Tina Joemat-Pettersson. 01 August 2012. <http://www.daff.gov.za/docs/media/01AUG2012-Anti-PoachingStatement.pdf>

³ The Southern African Sustainable Seafood Initiative (SASSI) was initiated by WWF South Africa in collaboration with other networking partners in November 2004 in order to inform and educate all participants in the seafood trade, from wholesalers to restaurateurs through to seafood lovers. <http://www.wwfsassi.co.za/?m=3&s=2&idkey=635>

⁴ *More Rhinos Killed In South Africa*. Online article – 13 August 2012. http://www.chinadaily.com.cn/world/2012-08/13/content_15669558.htm

⁵ Department of Water Affairs & Environmental Affairs Rhino poaching public hearings - 26 January 2012. <http://www.pmg.org.za/report/20120126-public-hearings-solutions-rhino-poaching-culling-old-bull-elephants-k>