

Perspectives on Strategic Intervention for Combating Wildlife Crime in South Africa

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Abstract

Tackling and combating wildlife crime requires effective and efficient prosecution. Similarly, reliance on a competent prosecution service and impartial judiciary are critical imperatives. Notably, weaknesses in regional law enforcement, border control, corruption among private and public entities, and organized transnational criminal networks contribute to the growing trade in illegal wildlife products. To combat the illicit trade in endangered species, it is crucial to provide incentives for shipping companies, clearing agents, freight forwarders, and other private transport operators to improve the security of the supply and transportation system. They should also collaborate effectively with Customs officials to identify, confiscate, and investigate wildlife trafficking. The growing recognition of the importance of biodiversity and ecosystem services in socio-economic development, coupled with South Africa's status as the third most biologically diverse country globally, forms the core of law enforcement initiatives aimed at achieving sustainable and progressive strategies.

Keywords: endangered species, illegal wildlife trade, conservation, preservation, law enforcement, South Africa.

JEL Classification: K30, K33, K38

DOI: 10.62768/PLPA/2025/14/1/09

Please cite this article as:

Bekwa, Tula Sphokazi Joy & Kola O. Odeku, „Perspectives on Strategic Intervention for Combating Wildlife Crime in South Africa”, *Perspectives of Law and Public Administration* 14, no. 1 (March 2025): 149-163.

Article History

Received: 7 November 2024
Revised: 10 January 2025
Accepted: 5 March 2025

1. Introduction

One of the strategic interventions for combating wildlife crime in South Africa is an effective prosecution of wildlife crime that relies on a competent prosecution service and impartial judiciary.³ Similarly, the preventive, protection and conservation activities should be implemented at the national parks and reserves, national forests, and private and community wildlife conservancies backed by law and regulation formed

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³ Mayer, C. H. (2019). *Combating wildlife crime in South Africa: using gelatine lifters for forensic trace recovery*. Springer.

part and parcel of proactive strategic interventions for combating wildlife crime. These strategies guarantee offender accountability, protect stakeholders' rights, and uphold justice. Weaknesses in law enforcement, border control, corruption among private and public entities, and organized transnational criminal networks contribute to the growing trade in illegal wildlife crimes.⁴ Essentially, considering that poached animals are transported and shipped by perpetrators, it is crucial to provide incentives for shipping companies, clearing agents, freight forwarders, and other private transport operators to improve the transportation system's security to detect poached animals for trafficking and trade. These transport operators should be encouraged to collaborate effectively with Customs officials to identify and border patrol agents to implement competencies and skills in identifying, detecting, confiscating, and investigating wildlife trafficking. By so doing, it promotes strategic intervention for apprehending and arresting illicit wildlife poachers for accountability and justice. The growing recognition of the importance of biodiversity and ecosystem services in socio-economic development, coupled with South Africa's status as the third most biologically diverse country globally, forms the core of law enforcement initiatives aimed at achieving sustainable and progressive strategies for combating wildlife crime. Eradicating any threat to the natural biodiversity and ecosystem requires a coordinated and harmonised approach in all spheres of government.⁵ Worrying and concerning is that wildlife crimes have enabled and increased bribery and corruption by the major role players such as law enforcement agencies and government officials tasked with the responsibility to protect and preserve wildlife at the national parks and reserves, national forests, and private and community wildlife conservancies. Wildlife crimes are also being funded by organised crime syndicates that are in cohort with politically connected persons and those tasked with protecting the wildlife habitat.⁶ The national integrated strategy to combat illegal wildlife trade in South Africa has been implemented by the stakeholders. This strategy is the first of its kind in the country and aims to empower law enforcement structures in South Africa with the necessary means to reduce and prevent wildlife crimes, both within the country and internationally.

The South African Police Service and the Directorate for Priority Crime Investigation (DPCI) are collaborating with the National Prosecuting Authority of South Africa (NPA) and the Department of Fisheries, Forestry and Environment (DFFE) to combat wildlife crime in South Africa and beyond. This partnership aims to analyse the combined efforts of stakeholders in addressing wildlife crime, focusing on their ability, coordination, and cooperation. The judiciary is tasked with the responsibility of adjudication of wildlife crime as an independent institution that

⁴ Maher, J., & Sollund, R. (2016). „Law enforcement of the illegal wildlife trafficking: a comparative strengths, weaknesses, opportunities and threats analysis of the UK and Norway”. *Journal of Trafficking, Organized Crime and Security*, 2(1), 82-99.

⁵ De Santo, E. M., Ásgeirsdóttir, Á., Barros-Platiau, A., Biermann, F., Dryzek, J., Gonçalves, L. R., ... & Young, O. (2019). „Protecting biodiversity in areas beyond national jurisdiction: An earth system governance perspective”. *Earth System Governance*, 2, 100029.

⁶ Anagnostou, M., & Doberstein, B. (2022). „Illegal wildlife trade and other organised crime: A scoping review”. *Ambio*, 51(7), 1615-1631.

ensures impartiality and the ability to preside without any bias or influence.⁷ Combating wildlife crime requires a crucial focus on identifying and combating corruption within vital government agencies such as customs and the police.⁸ The Environmental Impact Assessment (EIA) emphasizes the importance of collaboration between national customs authorities and anti-corruption bodies to effectively investigate and prosecute individuals involved in corrupt practices.

This article looks at two distinct aspects of wildlife crime namely harm against rhinos and pangolins. Essentially, it analyzes the roles and strategies being deployed by law enforcement agencies and other institutions for the legal protection of these endangered species or the lack thereof. The analysis in this study established that while the law offered broad protection for wildlife, several core issues have been identified relating to the inadequacy of enforcement such as corruption, inadequacy in enforcement, and incoherence and application of penalties.

Over and above, this article provides a salient synopsis overview of the strategies put in place in the South African justice cluster that collaborate and work hand in hand to eradicate wildlife crime.

2. The strategies being used to combat wildlife crime

One of the critical and crucial institutions for preventing, combating and investigating crime in South Africa is the South African Police Service (SAPS), which is an entity established by law, specifically under section 205 of the Constitution of the Republic of South Africa of 1996 (Constitution), and the South African Police Services Act of 1995, with amendments made by Act 57 of 2008. The SAPS focuses on law enforcement to prevent and address threats to the safety and security of all citizens. This includes investigating crimes that endanger citizens and ensuring that perpetrators face legal consequences. The SAPS is always a starting point in the criminal justice system and its role does not shift at all when it comes to wildlife crime. In a bid to combat wildlife crime in South Africa, the SAPS has been implementing strategies such that resources have been deployed to enhance wildlife trafficking investigations. This intervention was put in place considering that the domestic trade can always be easily manipulated by permit officers, the game reserve owners, and the professional hunters from the seller to the end user on both ends. There is a need to prohibit the domestic trade of endangered species in general and the rhinos and pangolins in particular.⁹ These are African natural assets and as such should be preserved for the present generation and the future generations. Generally, the wildlife trade should be banned to be a

⁷ Siyo, L., & Mubangizi, J. C. (2015). „The independence of South African judges: A constitutional and legislative perspective”. *Potchefstroom Electronic Law Journal*, 18(4), 816-846.

⁸ Liu, B. (2023). „Criminal justice cooperation to combat transnational wildlife crime: An examination of cooperation between China and Africa”. *Review of European, Comparative & International Environmental Law*, 32(1), 119-135.

⁹ Challender, D. W., & O’Criadain, C. (2020). „Addressing trade threats to pangolins in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)”. In *Pangolins* (pp. 305-320). Academic Press, <https://doi.org/10.1016/B978-0-12-815507-3.00019-8>.

concrete legal basis upon which law enforcement can be effective in ensuring monitoring and tracking that will subsequently lead to successful prosecution and eradication of wildlife crimes and corruption.¹⁰

The formulation of environmental working groups on enforcement under the auspices of The Directorate for Priority Crime Investigation (DPCI) commonly referred to as the "Hawks," operates as an autonomous entity under the SAPS, established under specific legislative provisions to combat and deter high-profile criminal activities including organized crime, economic offenses, corruption, and other significant crimes assigned by the President. Where it is clear that a reported crime represents the elements of a priority crime it is then transferred and dealt with by the Hawks. The Hawks is dedicated to strengthening the government's comprehensive strategy in tackling wildlife trafficking through various regional and international collaborations.¹¹ The primary objective of this initiative is to collaborate with transit and end-user nations in Southeast Asia, focusing on countries such as the People's Republic of China, Singapore, Qatar, Malaysia, and Vietnam.

3. Rhino dehorning system preventative measures

Similar to human fingernails, rhino horns are comprised of keratin and exhibit perpetual growth.¹² Consequently, dehorning is required on a yearly or biannual basis to maintain its effectiveness, and this procedure has demonstrated relative success in mitigating poaching rates.¹³ Dehorning is becoming more common in the private sector in South African national and private parks.¹⁴ The effectiveness of dehorning procedures and swift enhancements in security measures have proven fewer instances of poaching involving dehorned rhinos.¹⁵ Dehorning was also practiced strategically to reduce the risks of losing vulnerable animals.¹⁶ The dehorning strategy implemented in Mpumalanga has reportedly led to a decrease in poaching incidents, with 347 out of 1,071 rhinos in the region being dehorned since August 2010, excluding those in Kruger National Park. In the region of Hoedspruit, after the extensive dehorning of rhinos in mid-2011, private landowners were informed that a poaching syndicate had shifted their

¹⁰ Osorio, C. P. (2024). „Battling the Illegal Wildlife Trade Through Regulatory Finance: The Southeast Asian Context”. *Journal of Academics Stand Against Poverty*, 5(1), 44-74.

¹¹ Verma, Gourav and Kumar Yadav, Dr. Raj, Through the Government's Lens: Nature's Cry — India's Battle against Illegal Wildlife Trade (April 21, 2024). Available at SSRN: <https://ssrn.com/abstract=4810616> or <http://dx.doi.org/10.2139/ssrn.4810616>.

¹² Schmidgen, H. (2021). *Horn, or the Counterside of Media*. Duke University Press.

¹³ Nordseth, A. (2023). *Can Conservationists actually save Rhinos by dehorning Them?* DISCOVER Magazine. 28 June 2023. From: <https://www.discovermagazine.com/planet-earth/can-conservationists-actually-save-rhinos-by-dehorning-them>. (accessed on 29 February 2024).

¹⁴ Chapman, L. A., & White, P. C. (2020). „Anti-poaching strategies employed by private rhino owners in South Africa”. *Pachyderm*, 61, 179-183.

¹⁵ Pfannerstill, V. N. (2023). Improving rhinoceros conservation and management through behaviour-based research: Evidence from Botswana. Dissertation, http://www.rhinosourcecenter.com/pdf_files/171/1713090295.pdf.

¹⁶ Rubino, E. C., & Pienaar, E. F. (2017). „Applying a conceptual framework to rhinoceros conservation on private lands in South Africa”. *Endangered Species Research*, 34, 89-102.

attention to areas where rhinos still possessed their horns.¹⁷ This is evident by the fact that dehorning is effective as a strategy to combat wildlife crime and there is a need for all other conservation management areas to adopt this strategy in their fight against wildlife crime.¹⁸

4. RhODIS (Rhino DNA Indexing System)

To establish a connection between poachers and crime scenes, investigators must have the capability to link a rhino horn to a mutilated or deceased rhino.¹⁹ The eRhodis system has the potential to accomplish this task by utilizing a genetic fingerprinting system to generate a distinct code or Deoxyribonucleic acid DNA pattern for every individual rhinoceros.²⁰ The Veterinary Genetics Laboratory at the University of Pretoria spearheaded the launch of the initiative to aid in addressing the poaching crisis affecting rhinoceros populations.²¹ The Veterinary Genetics Laboratory at the University of Pretoria has been collecting DNA samples from rhinoceroses nationwide to establish a database that utilises the distinct DNA profiles of each rhino with the main aim of including all rhinos in the system. The DNA pattern system will act as a deterrent against poaching and assist in forensic investigations. It is particularly useful for identifying trace amounts of rhinoceros horn and matching profiles from seized horns with samples collected from live rhinos or poached carcasses.²² Therefore, it can be said that it is efficient in tracking and tracing matches at the investigation stages. In 2010, the eRhodis system was utilized for the first time in a rhino poaching investigation. A Vietnamese individual who was caught at OR Tambo International Airport with rhinoceros' horns in his possession was convicted and sentenced to 10 years in prison. The conviction was upheld by the high court, in *Chu v S* (A407/11) [2012] ZAGPJHC 204 (13 March 2012) found guilty of contravening the National Environmental Management: Biodiversity Act, 10 of 2004 as well as for fraud in terms of the Criminal Procedures Act 51 of 1977 as well as fraud under the Customs and Excise

¹⁷ Harper, C. K., Vermeulen, G. J., Clarke, A. B., de Wet, J. I., & Guthrie, A. J. (2013). „Extraction of nuclear DNA from rhinoceros horn and characterization of DNA profiling systems for white (*Ceratotherium simum*) and black (*Diceros bicornis*) rhinoceros”. *Forensic Science International: Genetics*, 7(4), 428-433.

¹⁸ Penny, Samuel. G. (2019). *The impact of dehorning on the white rhinoceros (Ceratotherium simum) and the evaluation of novel anti-poaching tactics* (Doctoral dissertation, University of Brighton), <https://research.brighton.ac.uk/en/studentTheses/the-impact-of-dehorning-on-the-white-rhinoceros-ceratotheriu-m-sim>.

¹⁹ Dance, A. (2023). *A Look Inside Wildlife Crime Scene Investigators*. Smithsonian Magazine. From: <https://www.smithsonianmag.com/science-nature/wildlife-crime-scene-investigator-dna-trafficking-180982969/>. (accessed on 29 February 2024).

²⁰ Ramalekana, T. I. (2016). *Retrospective analysis of the outcomes of animal crime scene investigation in Thabazimbi from 2013-2015*. University of Pretoria (South Africa).

²¹ Chapman, L. (2019). *Ownership and Poaching of Rhinos on Private Land in South Africa* (Doctoral dissertation, University of York), <https://etheses.whiterose.ac.uk/id/eprint/25888/>.

²² McLaughlin, C. (2018). *NSU helps save African rhinos from extinction*. The Current. 20 February 2018. From: <https://nsucurrent.nova.edu/2018/02/20/nsu-helps-save-african-rhinos-from-extinction/>. (accessed on 29 February 2024).

Act 91 of 1964.

South African National Parks (SANParks) have partnered with eRhodis since 2010. In association with the Forensics Science Laboratory of the South African Police Services, they have played a key role in developing and implementing the ERhodis Kit for sample collection.²³

5. Operation rehabilitation and release of rescued pangolins back into their natural habitat

Pangolins possess a unique feature of scaly skin, which often leads to confusion with reptiles. These creatures are considered one of the most understudied species globally.²⁴ These creatures are mammals with scales, and their distinctive actions involve using their elongated, adhesive tongues to gather ants and termites, and rolling into a protective ball when faced with danger. The endangerment of all eight species of the world's most trafficked wild mammal is a direct consequence of the illegal trade, similar to the rhino. Immediate conservation action is imperative to address this pressing concern.²⁵ Operation Pangolin aims to enhance the conservation efforts for pangolins by focusing on the development of specialized monitoring techniques and interventions.²⁶ These measures are crucial in preventing the illegal capture and trade of these mammals, making it a top priority in their conservation. In many cases, the illicit trafficking of pangolins results in unnoticed illegal transactions involving their scales and meat.²⁷ This operation has since 2014, led to the increase of the global seizure of trafficked pangolins to a 10-fold increase, with a notable shift of primary source from Asia to West and Central Africa. Operation Pangolin is playing a crucial role in advancing conservation strategies by providing valuable progress and data. The impact of this operation extends beyond the region, as it has global implications for combating the illegal wildlife trade. In South Africa, there has been an established pangolin rehabilitation center, which has been established to assist in the conservation management of pangolin species. The institution is based in the Limpopo province, South Africa and is a private non-profit facility with its registered name of *Umoya Khulula Wildlife Center*.²⁸ *Umoya Khulula*, a wildlife rescue Center in South Africa established by Emma De Jager, focuses on rehabilitating and releasing rescued

²³ The eRhodis Project. University of Pretoria. From: <https://erhodis.org/>. (accessed on 29 February 2024).

²⁴ UMD Conservation Criminologist to Study Plight of World's Most-Trafficked. Maryland Today News. 22 February 2023. From: <https://today.umd.edu/umd-conservation-criminologist-to-study-plight-of-world-s-most-traffickedmammal#:~:text=A%20University%20of%20Maryland%20pioneer,trafficked%20wild%20mammal%E2%80%94the%20pangolin>(accessed on 1 March 2024).

²⁵ University of Oxford. 2023. Operation Pangolin launches to save world's most trafficked wild mammal. From: <https://www.ox.ac.uk/news/2023-02-17-operation-pangolin-launches-save-world-s-most-trafficke>d-wild-mammal (accessed on 1 March 2024).

²⁶ Sampson, L., & Appiah-Opoku, S. (2024). „Spatial analysis of wildlife trafficking and concealment methods: The case of Pangolins”. *Journal of Wildlife and Biodiversity*, 8(4), 87-106.

²⁷ Bridgeland-Stephens, L. (2020). „The illegal wildlife trade: through the eyes of a one-year-old pangolin (*Manis javanica*)”. *Animal Studies Journal*, 9(2), 111-146.

²⁸ Umoya Khulula Wildlife Centre. From: <https://umoyakhululawildlife.org/>. (accessed on 1 March 2024).

pangolins back into their natural habitat, aiming to combat the illegal wildlife trade and human-induced harm to animals through 24-hour operations. It takes an immense number of resources and costs to protect and rehabilitate pangolins as they are extremely vulnerable to stress, and effective rehabilitation results in walking them for multiple hours per day so they can continue to forage on their own and maintain their instinctive feeding behaviours.²⁹ Rescued pangolins from sting operations undergo evaluation and medical care at specialized hospitals or by veterinarians prior to being reintroduced into their natural habitat.³⁰ Pangolins who have been rescued experience health issues like pneumonia due to the harsh conditions they endured while in captivity.³¹ These rescued pangolins may require stays in the Intensive Care Unit (ICU) ranging from a few days to three weeks, contingent upon their health status, and are only deemed fit for release back into the wild after veterinarians are satisfied with their recovery progress.³² The rehab process can take place from three weeks up to nine months depending on the progress and the condition of the individual animal. Following confirmation of the prognosis, efforts to find a suitable release site commence once the pangolin has regained strength, improved health, and started to gain weight during rehabilitation. Releasing pangolins into their natural habitat poses challenges related to acclimatization and adaptation.³³ Even with the lengthy and strenuous rehabilitation processes, there have been successes. This is evident from the story of Kajima, a young pangolin rescued in a daring operation near Pretoria when it was only a few months old, weighing a mere three kilograms.³⁴ With the dedicated and selfless effort of the staff of the Johannesburg Wildlife Veterinary Hospital (JWVH), Kajima was assessed, stabilized, and underwent three months of both physical and psychological rehabilitation. Following the successful treatment and rehabilitation process, Kajima was able to find its way to the wild and was placed at Lapalala private game reserve, where he was entrusted to a dedicated handler Gareth Thomas from the African Pangolin Working Group (APWG), and it has been since reported that his progress is outstanding.

²⁹ Anderson, C.E. (2023). *Conservation Story: Pangolin Rehabilitation*. 2% For Conservation. From: <https://www.fishandwildlife.org/blog/pangolin-rehabilitation-chelsea-anderson> (accessed on 1 March 2024).

³⁰ Mohamed, S. (2023). *Pangolin Operation (Part Two)*. *Back to the wild: The painstaking, often heartbreaking process of returning poached pangolins to their natural habitat*. Daily Maverick. 19 February 2023. From: <https://www.dailymaverick.co.za/article/2023-02-19-back-to-the-wild-the-painstaking-often-heartbreaking-process-of-returning-poached-pangolins-to-their-natural-habitat/> (accessed on 1 March 2024).

³¹ Wicker, L. V., Cabana, F., Chin, J. S. C., Jimerson, J., Lo, F. H. Y., Lourens, K., ... & Wu, S. (2020). „Captive husbandry of pangolins: lessons and challenges”. In *Pangolins* (pp. 443-459). Academic Press.

³² Wright, N., & Jimerson, J. (2020). „The rescue, rehabilitation and release of pangolins”. In *Pangolins* (pp. 495-504). Academic Press.

³³ Meyer, F. C. (2020). *Survival and distribution of Temminck's pangolin (Smutsia temminckii)* retrieved from the illegal wildlife trade in South Africa (Doctoral dissertation), <https://univendspace.univen.ac.za/server/api/core/bitstreams/6a99209b-7450-4499-a488-f39df21a68bf/content>.

³⁴ Lindeque, B. (2023). *New Hope for Pangolins: The Incredible Story of Kajima's Rehabilitation and Rewilding*. 2 August 2023. Good Things Guy. From: <https://www.goodthingsguy.com/environment/new-hope-for-pangolins-the-incredible-story-of-kajimas-rehabilitation-and-rewilding/>. (accessed on 1 March 2024).

6. The National Integrated Strategy to Combat Wildlife Trafficking (NISCWT)

In South Africa, the NISCWT is an “integrated Justice, Crime Prevention and Security (JCPS) Cluster, SAPS-led process that worked closely with the relevant Departments and Agencies such as the Departments of Environmental Affairs, Justice, International Relations and Cooperation (DIRCO); Defence (DOD); Financial Intelligence Centre (FIC), South African National Parks (SANPARKS); National Intelligence Coordinating Committee (NICOC); South African Revenue Services (SARS); State Security Agency (SSA); National Prosecuting Authority (NPA); and Provincial Conservation Authorities (PCAs). These important role players pulled resources and strategies together to ensure that their overall objectives were achieved in combating wildlife crime in South Africa.

This strategy aims at collaboration and effectiveness of unity as different stakeholders with one goal to combat wildlife crime. In terms of this strategy the DFFE and the Hawks will work hand in glove in the detection, investigation and tracing stages with guidance and legal advice from the NPA, the fusion centres and the forensic laboratory will also make it easier for detection and tracing to take place. Collaboration with various agencies like the Hawks, State Security Agency, and South African Revenue Service customs is central to the strategy. Enhanced integration and coordination have facilitated the monitoring of pangolin trafficking cases by law enforcement. Timely information on arrests is relayed to prosecutors who then monitor the progress of the cases. From 2020 to 2021, a total of 43 pangolins were confiscated,³⁵ and their cases have been documented to gather statistical data. These records serve as valuable resources in court proceedings, enabling prosecutors to present precedents that can be used to strengthen arguments for harsher sentences in future cases. The following cases are unreported however serve as precedent cases on pangolin cases: On September 17, 2019, in Silver Oaks, Pretoria, the Cullinan Stock Theft & Endangered Species Unit, along with members from K9 Benoni, Silverton, and Law Enforcement Officials from the Gauteng Department of Agriculture & Rural Development (Green Scorpions), as well as the African Pangolin Working Group, carried out a sting operation involving the sale of pangolin to an undercover agent, under section 252A. Following the arrest of four suspects, authorities seized the vehicle that had been utilized to transport the pangolin. During the arrest, it was discovered that the female pangolin was alive but in a severely dehydrated and compromised state. Unfortunately, despite efforts to save it, the pangolin succumbed to malnourishment, dehydration, and the physical injuries it had sustained while in captivity. The pangolin's emaciation was evident as its bones and tendons were visibly exposed. In court the two accused were cited as follows: *S v Orateng Mekwe_and Another*³⁶ (as accused 1) and Jealous Rungano (as accused 2)

³⁵ Sampson, L., & Appiah-Opoku, S. (2024). „Spatial analysis of wildlife trafficking and concealment methods: The case of Pangolins”. *Journal of Wildlife and Biodiversity*, 8(4), 87-106.

³⁶ Ground-breaking sentence in pangolin poaching case. 2021. African Pangolin Working Group. From: <https://africanpangolin.org/2021/05/20/groundbreaking-sentence-in-pangolin-poaching-case/> (accessed on 24 February 2024).

Contravening Sec 57(1) of National Environmental Management Biodiversity Act 10 of 2004 and for carrying out a restricted activity about the illegal trade of Pangolins. They both pleaded not guilty, and the state had to lead evidence. Advocate Jeff Nethononda, representing the Director of Public Prosecutions in Pretoria, presented the case in the Pretoria Magistrate's Court, with Ms Luut serving as the presiding magistrate. Sergeant Morné Kemp, leading the investigation for the Cullinan Stock Theft & Endangered Species Unit, collaborated closely with the National Prosecution Authority (NPA) to ensure a successful prosecution and conviction. Professor Jansen, a member of the Faculty of Science at Tshwane University of Technology in Pretoria, as well as the founder and Chairman of the African Pangolin Working Group, provided testimony highlighting the severity of the illegal pangolin trade. He emphasized that pangolins, being ant eaters without any defence mechanism, are harmless creatures. Additionally, Professor Jansen stressed that pangolins are critically endangered globally and face the imminent threat of extinction. The accused were ultimately sentenced as follows: - On count 1: accused 1 and 2 have been sentenced to a mandatory 10-year imprisonment without the possibility of a fine for violating Section 57(1) of the National Environmental Management Biodiversity Act 10 of 2004. Their offense involved engaging in a prohibited activity related to the illicit trade of Pangolins. Additionally, both individuals have been deemed ineligible to possess firearms under Section 103 of the Firearms Control Act 60 of 2000. Accused 2 exclusively received a 3-month prison sentence and deportation to Zimbabwe under section 49(1)(a) of Immigration Act 13 of 2002. Additionally, the Environmental Department established a foundation comprising the biodiversity enforcement unit and the national multi-stakeholder wildlife crime reaction unit to enhance collaboration with SAPS, DPCI, and NPA for improved enforcement measures. The department is mindful of the fact that even though its officers are only authorised to identify foul play they do not authority to decide or even prosecute cases in the court of law, but can only report and inform the SAPS of any suspected activities. The duty of the EMI's even though authorised as peace officer in terms of section 331 of the Criminal Procedure Act, is to only assist in reporting and the investigation process. But have all the powers to facilitate the Departmental administrative process to lead the cases to a successful prosecution. There is a need to capacitate and recruit more personnel to increase the efforts to address and combat the current and future potential wildlife crimes. The EMI are comprised of environmental enforcement officials from national, provincial, and municipal government departments, as mandated by the National Environmental Management Act (NEMA) of 2008. EMI's primary responsibility is to ensure compliance and enforcement of environmental legislation by various state organs such as the DFFE and provincial environmental departments.

More importantly, the NISCWT increases the Government's commitment, and potential to implement strategies and interventions to detect, prevent and combat wildlife trafficking in South Africa and beyond. This is done by deploying massive resources to detection and prevention around the country's ports and borderlines; reducing the risk of corruption at these ports; increasing and centralising wildlife compliance and enforcement resources; and increasing crime prevention initiatives.

The overall strategies were to utilise the specialised task teams and criminal intelligence groups to identify trends of illegal wildlife trade by organised crime networks for purposes of expediting investigations that lead to successful prosecutions resulting in a break in the supply chain of the criminal networks. Concerning wildlife crime more often than not the offences against wildlife are perpetrated by organised criminal networks, hence this intervention. The combined efforts of these agencies enabled them to join forces in the tracking and tracing of criminal network groups as they have more power and facilities to work remotely. Wildlife crime is always linked to money laundering, vehicle theft, illegal immigration, illicit trade in arms and drug trafficking³⁷ and thus the illegal wildlife trade has been identified as a top-priority crime. In South Africa, particularly around the vicinity of national parks habiting wildlife, socio-economic pressure such as poverty, unemployment, greed, and corruption within government agencies officials and law enforcement agencies have been established as the main catalysts fueling the continuous illegal wildlife trade, considered a form of organized crime.³⁸

7. The National Prosecuting Authority (NPA) mandate on combating wildlife crime

The NPA, prosecutors, in conjunction with law enforcement agencies, are responsible for overseeing and leading investigations into wildlife trafficking, and they are tasked with bringing these cases to trial. Specialized units for prosecuting wildlife trafficking are not common, so these cases are typically handled by prosecutors with broader mandates. Similarly, specific procedural rules for wildlife trafficking prosecutions are uncommon, meaning that general criminal procedure rules apply in such cases. NPA has since displayed success in rhino prosecutions, this is because the organisation has formulated new components within the organisation to solely deal with the plight of wildlife offences. In 36 cases, there were reports of verdicts being delivered, with 35 cases resulting in guilty verdicts and one case resulting in a not guilty verdict. These cases led to the conviction of 45 individuals involved in rhino poaching or rhino horn trafficking, resulting in a conviction rate of 97%.³⁹ However, wildlife trafficking in its nature is a unique type of crime that interlinks with several other crimes. Therefore, the NPA took it upon itself to work on the project of creating specialised units within the NPA and the reason being to create a space and to train individuals that will prosecute these cases on a specialised level. The NPA has partnered with the UNODC and - annually this partnership brings prosecutors from all corners of South Africa, for a training termed as “UNODC NPA Advanced Biodiversity Training”,

³⁷ Lawson, K & Vines, A. (2014). Global impacts of the Illegal Wildlife Trade: The Costs of Crime, Insecurity, and Institutional Erosion. *Chatham House*. From: <https://www.chathamhouse.org/sites/default/files/public/Research/Africa/0214Wildlifepdf>. (accessed on 3 September 2024).

³⁸ Russol, Mahomed Raffee (2003). *Should we save nature while people go hungry?: an analysis of nature preservation and poverty within the South African context* (Doctoral dissertation, Stellenbosch: Stellenbosch University), <https://scholar.sun.ac.za/items/b48b0738-e8c4-4a7a-a60f-5048fe15a060>.

³⁹ National Prosecuting Authority Annual Report. 2022-2023.

to polish and shape prosecutors more on their prosecution skills in relation to these specific offences. Private non-profit conservation groups also are joining forces and providing prosecutors with training to equip them on enforcement and to impart knowledge from their side of conservation management. There is however a need for the judiciary to work in collaboration with the NPA, to create full specialised court Units as these offences are becoming popular daily. For example, Uganda established a dedicated court in 2017 to handle cases referred from the Uganda Wildlife Authority (UWA) alongside other offenses.⁴⁰ The specialized court in Uganda was created to tackle the notable backlog of cases and delays in legal proceedings. Its efficiency was showcased in February 2019, as it oversaw the trial of two Vietnamese citizens caught by Ugandan customs with elephant ivory and pangolin scales. The accused were scheduled to be prosecuted in the Standards, Wildlife, and Utilities Court for multiple violations under the Wildlife Act, such as the possession and illicit trade of wildlife items.⁴¹ In 2003, India's Law Commission highlighted the challenges ordinary courts encountered in handling environmental crimes and proposed strategies for establishing specialized courts to address these issues.⁴² In response to the Law Commission's recommendations and the evolving national environment policy, the Government introduced the National Green Tribunal Act in 2010, establishing specialized environmental courts.⁴³ The creation of India's specialized environmental courts under the National Green Tribunal Act in 2010 was influenced significantly by insights from the judiciary, reflecting a concerted effort to address the specific requirements identified by judges and legal professionals within the judicial system. Successful prosecution of wildlife and forest crimes relies on the functionality and efficiency of the prosecution service, alongside an impartial judiciary.⁴⁴ The National Prosecuting Authority (NPA) plays a crucial role in ensuring accountability for wildlife and forest crimes. Established in 1998 under the Constitution of the Republic of South Africa, Act 108 of 1996, the NPA is empowered to initiate criminal proceedings on behalf of the state and carry out related functions. Working in collaboration with United Nations non-profit organizations, the NPA focuses on combating illicit wildlife trade. Environmental cases are screened by the Director of Public Prosecutions (DPP) to identify patterns and connections, enabling strategic prosecution planning. The NPA emphasizes staff

⁴⁰ UNODC. Uganda Wildlife Authority. 6 February 2019. Prosecution and Judiciary. Module 3. From: <https://www.unodc.org/e4j/zh/wildlife-crime/module-3/key-issues/prosecution-and-judiciary.html>. (accessed on 1 March 2024).

⁴¹ Athumani, H. (2022). *Ugandan Wildlife Trafficker Gets Life in Prison*. VAO News. From: <https://www.voanews.com/a/ugandan-wildlife-trafficker-gets-life-in-prison/6799907.html> (accessed on 1 March 2024).

⁴² UNODC. 2019. Criminal Justice Responses to Wildlife Crime. Module 3. From: <https://sherloc.unodc.org/cld/en/education/tertiary/wildlife-crime/module-3/key-issues/prosecution-and-judiciary.html>. (accessed on 16 April 2024).

⁴³ Amirante, Domenico (2012). „Environmental courts in comparative perspective: Preliminary reflections on the National Green Tribunal of India”. *Pace Environmental Law Review* 29(2), 441-469.

⁴⁴ Mandal, Subrata & M. Govinda Rao, 2007. "Overlapping Fiscal Domains and the Effectiveness of Environmental Policy in India," Chapters, in: Albert Breton & Giorgio Brosio & Silvana Dalmazzone & Giovanna Garrone (ed.), *Environmental Governance and Decentralisation*, chapter 8, Edward Elgar Publishing, p. 223.

training involved in wildlife crime prosecution, aiming to enhance skills and knowledge for better outcomes. Priority is given to prosecuting wildlife crime offenders, advocating for significant penalties due to the gravity of these crimes. Since 2016, the NPA has collaborated with various stakeholders to monitor illegal wildlife trade cases, provide expert witness testimony during trials, and ensure proper care for seized wildlife like pangolins. The efforts to combat wildlife and forest crimes have yielded positive results, particularly in the investigation and prosecution stages. Arrested individuals' possessions, including weapons and items, are now routinely sent to forensic laboratories where animal DNA can be detected. This aids in linking perpetrators to crime scenes, highlighting the importance of DNA experts in monitoring these cases. Countries like Uganda, Kenya, Spain, and India have adopted the practice of placing prosecutors within specialized units dedicated to wildlife and forest law prosecution, a model now also implemented in South Africa. The National Prosecuting Authority (NPA) has established an Environmental Unit linked to the Organized Crime Unit, enhancing collaboration and effectiveness in prosecuting wildlife crimes. The NPA has taken proactive steps, setting up specialized units and providing training, although further recruitment and development are ongoing. Specialized prosecutors now operate from the provincial level up to the High Court, ensuring comprehensive prosecution coverage. Judicial independence is safeguarded by the Constitution, prohibiting interference with court functions. The judiciary's role is to apply the law fairly, uphold justice, and protect the interests of justice in criminal proceedings. However, challenges such as understaffing and limited resources in prosecution authorities and courts persist in many countries, underscoring the need for continued improvement and support.⁴⁵ Lastly, the judiciary needs to extend its scope by also selecting a few judges and magistrates who will receive proper training in this area of wildlife crime, so that the courts will purely be specialised in all aspects of environmental and wildlife crime.

8. Conclusion

As impossible as it sounds the drive to save nature's biodiversity and the global ecosystem relies on our law enforcement structures. The growing recognition of the importance of biodiversity and ecosystem services in socio-economic development, coupled with South Africa's ranking as the third most biologically diverse country globally, is a focal point in our pursuit of sustainable development goals. Addressing threats to biodiversity and ecosystems necessitates coordinated efforts at regional, national, and global scales. It is crucial for legislation to grant the courts in South Africa extraterritorial jurisdiction over acts committed outside the country that would be considered offenses if committed within its borders. The DFFE's proposal of The National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) emerged as the most effective approach to address the escalating issue of wildlife crime, thanks to

⁴⁵ Ali, Z., Hussain, T., & Ali, A. (2024). „Towards Legal and Judicial Reforms: In Pursuit of Transforming the Justice System”. *Annals of Human and Social Sciences*, 5(3), 789-801.

exceptional teamwork and collaboration among law enforcement agencies. To ensure its success, it is crucial for all stakeholders within the enforcement domain to actively enforce and implement the relevant legislation, thereby strengthening the strategy's impact.

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