

MEASURES TAKEN BY SOUTH AFRICA TO COMBAT ILLEGAL TRADE IN IVORY IN 2016 AND 2017

1. Approval of the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) by all government stakeholders (security cluster)

Officials from the Department of Environmental Affairs and the South African Police Service met with officials from the Department of Planning Monitoring and Evaluation (DPME) to finalise the required Socio Economic Impact Assessment (SEIAS) which has to accompany the NISCWT for approval to understand the full costs and the impact of the implementation of the strategy on the economy of the country. DPME granted permission on 14 March 2018 for the Strategy and the SEIAS to be taken to Cabinet for approval.

As required the NISCWT was then taken to the National Development Committee under the Justice, Crime Prevention and Security Cluster (JCPS) and then to the JCPS Cluster on 8 May 2018. The Cluster recommended that the NISCWT and the SEIAS can be taken to the Cabinet Committee for final approval.

Certain aspects / elements of the strategy aligned to the Integrated Strategic Management Approach to rhino management, approved by Cabinet in 2014, are being implemented already.

2. Continued efforts to address domestic illegal trade in ivory, in particular any targeted operations in the Johannesburg area, identified as the area most affected by this illegal trade, including information on any arrests, prosecutions and penalties imposed in the period since CoP17;

Finalized ivory cases for 2016 and 2017

2016:

S v Trust Mangwisa Mukeke (Bellville CAS 678/10/2016)

Charge: Section 42(1) of the Nature Conservation Ordinance 19 of 1974 for the illegal possession of one African elephant tusk with a mass of 11.32kg. Charges: Section 57(1) of NEMBA. Sentence: R 75 000,00 / 3 years imprisonment.

State vs Tianghoa Yang

Found in possession of Ivory blocks. Charges: Section 57(1) of NEMBA. Sentence: R 6,000,00 or 3 years imprisonment suspended for 5 years.

State versus TW Mukwevho; Park Road CAS 125/07/2014

Raw Ivory Tusk with weight of 2,8kg. 105A Plea Agreement on one count of contravening Section 57(1) of NEM:BA 10 of 2004. Sentence: R10 000 or 12 months imprisonment and a further 3 years imprisonment suspended for 5 years.

State versus TI Mosekwane; Winburg CAS 17/5/2016

Raw Ivory Tusk with weight of 1,6kg. The accused wanted to sell the ivory. Accused was sentenced to 5 years imprisonment of which 3 years were suspended for 4 years. PP: A Ferreira

S v Mohammed Ali and 2 others; Cape Town CAS 706/01/16

Police received information on the 13 January 2016 that Accused 1 and 2 had an elephant tusk in their possession. None of the Accused had permits for the Ivory. The Charges: Possession of elephant Ivory without documentation - contravention of section 42(1)(b) of Ordinance 19 of 1974. Accused 3 pleaded guilty in terms of S112 on the main count. He was sentenced to a fine of R4000 or 12 months imprisonment and a further 3 years direct imprisonment wholly suspended for 5 years. Charges withdrawn against Accused 1 and 2. Prosecutor: Ms A Heeramun.

2017:

S v JJ Chauque & 1 other; Giyani CAS 120/07/16

Charge: contravening section 31(1)(a) of the Limpopo Environmental Management Act 7 of 2003; possession of unlicensed firearm and ammunitions under Act 60 of 2000 (firearm control Act). Upon receiving information the accused was arrested at his house in possession of a rifle and ammunition. The accused pointed out an elephant carcass as well as 2 hidden tusks. Through DNA analysis blood on his clothes and an axe was linked to the carcass which the accused pointed out. Sentence: R100 000.00 or 6 years imprisonment of which half was suspended for five years on conditions. SA: N Makhuvele

S v A Maluleque; Seselanani CAS 18/07/16

Charge: Contravening the provisions of section 43(2)(a) of the Limpopo Environmental Management Act 7 of 2003, possession of two elephant tusks. The accused tried to smuggle the tusks cross-border from the Republic to Mozambique, at the border crossing the tusks was found in his motor vehicle. Sentence: R30 000.00 fine or 5 years imprisonment, and the said vehicle was forfeited to the State. SA: N Makhuvele

State v Lucas Neshunzi and Ndishavelafhi John Musethso; Zamdela CAS 227/07/17

The accused were in possession of a piece of ivory with a weight of 4.304kg. Both accused pleaded guilty and were sentenced to R15 000 or 5 years imprisonment. SA: A Ferreira

S v Qinghua Chen; Seepunt CAS 466/10/16

Charge: Possession of ivory without documentation. Accused pleaded guilty. Sentence: Count 1: Five (5) years direct imprisonment wholly suspended. Count 2: Five (5) years direct imprisonment wholly suspended . AFU Section 18 order R 81 1538.00 paid into CARA fund. SA: Blane Lazarus

State versus TI Mosekwane; Winburg CAS 17/05/2016

The accused sold the ivory tusk with a weight of 1,6kg. The accused pleaded guilty and was sentenced to 5 years imprisonment of which 3 years imprisonment was suspended for 4 years.

State versus Charles Kenny; Park Road CAS 457/03/2014

Amongst other charges the accused was convicted on one count of contravening Regulation 16(1)(b) of the CITES Regulations in terms of NEM:BA 10 of 2004 for offering elephant fat for sale in his herbal shop. The bottle indicated on the label that it was elephant fat but it was not proved that it was indeed elephant fat therefore the accused was convicted (after trial) on the Regulation that prohibits the offering for sale of any species on the CITES list. On this count the accused was sentenced to R20 000 or 2 years imprisonment suspended for 4 years. The accused was also convicted on Section 57(1) of NEM:BA 10 of 2004 for the possession of TOPS species in his shop and was sentenced to 36 months correctional supervision and a fine of R100 000 of which half was suspended for 4 years.

State versus Neshunzi and Zamdela CAS 227/07/2017

The accused pleaded guilty on c/s 57(1) of NEM:BA 10 of 2004 – possession of tusk. The weight was 4.304kg.

Ivory seizures for 2016 and 2017 in the Johannesburg area

Cleveland	CAS 257/11/2016	Illegal possession of Rhino horn, Ivory, Lion tooth, Lion Claws, Lion Bones, Sea Cucumber, Sea Horses, Leopard Skin, Abalone, Pangolin scales and Illegal Pharmaceutical Products	Shi Jialiang / Yang Yungdu
Cleveland	CAS 112/12/2016	Illegal possession of Rhino horn and Ivory	Yu Yang
Cleveland	CAS 208/03/2016	Illegal possession of Rhino horn, Ivory and Drugs	Yangwei Feng / Yan Zhang
Cleveland	CAS 185/11/2016	Illegal possession of Rhino horn, Ivory and Drugs	Wu Baiquan / Feng X
Cleveland	CAS 186/11/2016	Illegal possession of Rhino horn and Ivory	Farisia Todha Bvumbi
Cleveland	CAS 243/11/2016	Illegal possession of Rhino horn and Ivory	Li Giangani
Cleveland	CAS 101/03/2016	Illegal possession of Rhino horn and Ivory	Jianpeng WU
Cleveland	CAS 192/03/2016	Illegal dealing of Ivory and Illegal possession of Rhino horn and Drugs	Wang Zhang / Lian Chen / Chaun Iwu
Edenvale	CAS 182/03/2016	Illegal possession of Rhino horn, Ivory and Drugs	Xihohua Wu / Xiaoqing Yang

Cleveland	CAS 204/03/2016	Illegal possession of Rhino horn, Ivory and Drugs	Mei Li / Zhiqiang Wang / Jianghao Zhang / Guotai Zhong
Cleveland	CAS 205/03/2016	Illegal possession of Rhino horn, Ivory and Drugs	Mei Li
Cleveland	CAS 06/02/2017	Illegal possession of Pangolin Scales, Rhino Horns, Ivory, Sea Cucumber and Drugs	Feng Dongqin F
Cleveland	CAS 318/07/2017	Illegal possession of Ivory and Pangolin Scales	Nhlenyama Samson / Nxumalo Emozi Innocent / Dlamini Bongani Lindokuhle
Cleveland	CAS 209/02/2017	Illegal possession and dealing of Rhino horn, Ivory and Lion Claws/Teeth	Vincent Watuka
Cleveland	CAS 30/03/2017	Illegal possession of Ivory	Norman Dume / Alain Tsungo

3. Establishment of a new Border Management Authority (BMA) in South Africa

The BMA, as envisaged, will take over all border management functions at entry and exit points nationally. The Border Management Authority Bill was passed by the National Assembly on 9 June 2017 and the Bill is currently in the Parliamentary process for approval.

Once the legislative process is completed and the legislation is approved the BMA will be fully established and will play an important role at the frontline of South Africa's borders. It will facilitate legitimate movement of people and goods in line with the country's socio-economic objectives.

The BMA Bill is underpinned by imperatives ranging from giving South Africa a new policy paradigm of integrated border management to a determination to facilitate legal and secure movement of people and goods across SA borders. The BMA will assist in preventing, among others, drug-related crimes, human trafficking, illegitimate movement of goods, including wildlife and wildlife products and unauthorised movement of persons. This will close the chapter on porous borders bedevilling the country over the years, and will in great measure roll back the frontiers of corruption hitherto fuelled by fragmented border management.

Implementation will be done in phases and the three proposed BMA pilot Ports of Entry for 2018/19 are OR Tambo International Airport (ORTIA), Oshoek land Port of Entry and the Port of Entry Control Centre (PECC) in the Cape Town Harbour.

4. Reporting to ETIS

The Director General of the Department of Environmental Affairs sent a letter to the Acting Commissioner of the South African Police Service (SAPS) in August 2017 to request the SAPS to report every ivory seizure on the ETIS reporting form to the Department within 60 days of the occurrence of the seizure in order for the Department to send the information to TRAFFIC. We have also requested provincial conservation enforcement officials, South Africa National Parks

officials and Environmental Management Inspectors to report all ivory seizures to the Department immediately. Departmental officials remind investigators at each meeting of the National Biodiversity Investigators Forum to send ETIS reports to the Department when ivory seizures were made. We will follow up with investigators once we are aware of any ivory seizures to ensure that reports are done and sent to the ETIS Office in Zimbabwe.

5. Poaching of elephants in South Africa in 2016 and 2017.

Interventions being implemented to counter rhinoceros poaching, especially in Kruger National Park where all but one of the elephant deaths have occurred, are also used to respond to the elephant poaching.

Our counter efforts in the Kruger National Park involve the following:

- Implementation of KNP anti-poaching strategy which focuses on both rhino and elephant poaching activities in the KNP;
- Joint SANParks, SAPS & SANDF planning and execution of operations both in the park and in the region – focused on both rhino & elephant poaching;
- Sustained deployment of additional Rangers into specific elephant & rhino poaching “hot spots”;
- Rapid reaction capability of air and K9 support in support of both rhino and elephant poaching incidents;
- Improved access control technologies being implemented in the KNP at Important Protection Zone gates and to be rolled out at all KNP gates in due course;
- Sustained joint operations conducted externally by the SANParks Environmental Crime Investigation (ECI) unit and SAPS units;
- There are continued arrests of suspected poachers and the recovery of a significant amount of firearms in internal counter operations in the KNP as well as outside the Park;
- Good cooperation and support from alliance partners (Government authorities, Provincial authorities, Private land owners) both along the western and eastern (Mozambique) boundaries of the park;

We have received funding for Elephant Crime Scene management training and for producing associated materials such as electronic training materials and DVD's for first responders and investigators. Plans are also in place to improve the Operations Room in Phalaborwa, which is used for enforcement operations in the northern part of the Kruger National Park where currently most of the elephant poaching takes place.

6) Other initiatives – In general for enforcement and anti-poaching

The Department of Environmental Affairs (DEA) undertook the following initiatives:

- Increased capacity for Environmental Management Inspectors on Grade 5 level (field guides in parks and reserves) - advanced training was rolled out to 1273 officials employed within state

reserves across South Africa. The course covered topics relating to * lawful arrest * conducting vehicle and person searches * seizure and processing evidence supporting admissibility to court * testifying in court. This project was part of the DEA GEF project and the Endangered Wildlife Trust / US Department of State Bureau of International Narcotics & Law Enforcement Affairs (INL) collaborative project. Additional material is currently being developed to further support training and to be translated into different South African languages. The eLearning platform for all Environmental Management Inspectors (EMI's) has been developed and undergoing testing, after which the curriculum will be loaded on the DEA system. All designated Environmental Management Inspectors will have access to the training material.

- DEA as part of the GEF project, hosted the first ever Field Ranger Conference in early 2018 with 200 rangers from across South Africa in attendance. The reason for the event was to engage directly with rangers in furthering strategic goals derived from the Rhino Lab, EMI strategy as well as other projects currently underway. The outcomes from the conference set the scene for detailed implementation and already resulted in a new project to look at increasing the capacity of field rangers employed outside government.
- Actively targeted training for ports of entry and exit and supply materials and equipment to two pilot ports and then implement at other ports. Training supported with operational work has been on-going with a total number of 2132 officials trained at South African ports, including members of the Defence Force responsible for patrolling border lines between ports. In addition commodity identification manuals have also been developed through a collaborative project between DEA and the World Wildlife Fund South Africa Office from US INL funds. These manuals and associated posters will be distributed as part of the on-going port and border line training programme.
- Awareness for prosecutors / investigators / judiciary with a focus on areas with courts where the majority of wildlife cases are being heard. Plans are to introduce new engaging materials, practical scenarios, models, and multi-media tools. Presentation skills will be improved and potential for exchange visits with colleagues from Mozambique. Judicial Colloquium was hosted in collaboration with SAJEI (South African Judicial Education Institute) and DEA, for judicial officers from South Africa, Mozambique and Namibia. Going forward, SAJEI, due to judicial independence and sensitivities, need to internalise the training and are now rolling it out to different regions.
- Development of crime scene responder knowledge and curriculum for roll out to detector dog units as examples of best practise. There is a need to invest in handlers and dogs.
- Development of curricula on best practise for first responders for incidents at roadblocks. As already mentioned above under vehicle searches and process around seizure of exhibits under chain of custody.
- Development of multi-media Muthi Traders awareness raising material in the form of a 31 Page information booklet, an awareness video linked to the content of the booklet (translated in to seven South African Languages and all containing critical information relating to regulations around collection and trade within the traditional healers sector

Going forward four separate projects are being initiated to address:

- Crime scene management and investigations in so far wildlife trafficking through ports;

- Next level of crime scene management for field rangers;
- The collection of human touch DNA from carcasses; and
- Development of a secure, mobile, multimedia communication based platform, for roll-out to port enforcement agencies, in order for the EMI to lend quick direction and enforcement support relating to any suspicious biodiversity related commodities detected at ports.

All of the above will be converted into eLearning courses in order to support practical training interventions.

DEA is also looking into the development of a national database for DNA sequencing to support the SAPS in the analysis of seized material at crime scenes



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Ref No. CITES Letter 19 Dec 2017

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FEEDBACK ON MEASURES TAKEN BY SOUTH AFRICA TO COMBAT ILLEGAL TRADE IN IVORY FOR THE 70TH STANDING COMMITTEE MEETING

With reference to your letter dated 19 December 2017 requesting South Africa to give feedback on measure taken to combat illegal trade in ivory, please find attached a report.

Yours sincerely

Ms Nosipho Ngcaba
Director-General
Department of Environmental Affairs
Letter signed by: Frances Craigie
Designation: Chief Director: Enforcement
Date: 2018/06/15