



# The National Integrated Strategy to Combat Wildlife Trafficking (NISCWT)

***Securing South Africa's Wildlife Heritage:  
Breaking the Illicit Value Chain of Wildlife Trafficking***

**May 2023**

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## **THE NATIONAL INTEGRATED STRATEGY TO COMBAT WILDLIFE TRAFFICKING (NISCWT) APPROVAL PROCESS**

### **A: CONSULTATION PROCESS**

1. The development of the NISCWT was an integrated Justice, Crime Prevention and Security (JCPS) Cluster, SAPS-led process and was developed in collaboration with relevant Departments and Agencies, including the then Departments of Environmental Affairs (DEA) and Agriculture, Forestry and Fisheries (DAFF) as they were known at the time; Justice and Constitutional Development (DOJ&CD); 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). All role players will continuously engage with their respective principals, to ensure the NISCWT and its activities are integrated into the respective departmental/ agency strategies, performance and operational plans, as well as budgeting processes.
2. The JCPS's National Development Committee was consulted on the NISCWT, as well as the Presidency (DPME/SEIAS Unit).
3. Further engagements with all role players, regarding the NISCWT and the implementation thereof, continues through the Priority Committee on Wildlife Trafficking of the JCPS National Joint Operational and Intelligence Structure (NATJOINTS).

### **B: JCPS CLUSTER SIGN-OFF**

The JCPS Directors-General Committee discussed and approved the NISCWT for promotion with the Cabinet in May 2018 and again in August 2020.

## LIST OF ABBREVIATIONS

Acronym	Explanation
<b>ACCT</b>	Anti-Corruption Task Team
<b>AFU</b>	Asset Forfeiture Unit
<b>ASEAN-WEN</b>	Association of Southeast Asian Nations' Wildlife Enforcement Network
<b>AU</b>	African Union
<b>BMA</b>	Border Management Authority
<b>CCPCJ</b>	Commission on Crime Prevention and Criminal Justice
<b>CI</b>	Crime Intelligence
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora
<b>CSIR</b>	Council for Scientific and Industrial Research
<b>DAFF</b>	Department of and Agriculture, Forestry and Fisheries (as it was previously known)
<b>DFFE</b>	Department of Forestry, Fisheries and the Environment
<b>DDU</b>	Detector Dog Unit (within SARS Customs)
<b>DEA</b>	Department of Environmental Affairs (as it was previously known)
<b>DI</b>	Defence Intelligence
<b>DIRCO</b>	Department of International Relations and Co-operation
<b>DOD</b>	Department of Defence
<b>DOJ &amp; CD</b>	Department of Justice and Constitutional Development
<b>DNA</b>	Deoxyribonucleic acid
<b>DPCI</b>	Directorate for Priority Crime Investigation
<b>DPME</b>	Department of Planning, Monitoring and Evaluation
<b>EMI</b>	Environmental Management Inspector
<b>Ezemvelo</b>	Ezemvelo KwaZulu-Natal Wildlife
<b>FIC</b>	Financial Intelligence Centre
<b>GCIS</b>	Government Communication and Information System
<b>ICC</b>	Intelligence Coordinating Committee

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<b>ICCWC</b>	International Consortium on Combating Wildlife Crime
<b>IGO</b>	International Governmental Organisation
<b>INTERPOL</b>	International Criminal Police Organisation
<b>IWG</b>	Intelligence Working Group
<b>JCPS</b>	Justice, Crime Prevention and Security
<b>KNP</b>	Kruger National Park
<b>KPA</b>	Key Performance Area
<b>LEDET</b>	Limpopo Department of Economic Development, Environment and Tourism
<b>MOU</b>	Memorandum of Understanding
<b>MTEF</b>	Medium Term Expenditure Framework
<b>MTPA</b>	Mpumalanga Tourism and Park Agency
<b>MTSF</b>	Medium Term Strategic Framework
<b>NATJOINTS</b>	National Joint Operational and Intelligence Structure
<b>NAWTU</b>	National Anti-Wildlife Trafficking Unit
<b>NDP</b>	National Development Plan 2030
<b>NGO</b>	Non-governmental organisation
<b>NICOC</b>	National Intelligence Coordinating Committee
<b>NISCWT</b>	National Integrated Strategy to Combat Wildlife Trafficking
<b>NPA</b>	National Prosecuting Authority
<b>PCA</b>	Provincial Conservation Authority
<b>POCA</b>	Prevention of Organised Crime Act
<b>PROVJOINTS</b>	Provincial Joint Operational and Intelligence Structure
<b>SADC</b>	Southern African Development Community
<b>SANBI</b>	South African National Biodiversity Institute
<b>SANDF</b>	South African National Defence Force
<b>SANDF DI</b>	Defence Intelligence
<b>SANParks</b>	South African National Parks
<b>SAPS</b>	South African Police Service

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<b>SARPCCO</b>	Southern African Regional Police Chiefs Cooperation Organisation
<b>SARS</b>	South African Revenue Service
<b>SEIAS</b>	Socio-Economic Impact Assessment
<b>SLA</b>	Service Level Agreement
<b>SSA</b>	State Security Agency
<b>UAE</b>	United Arab Emirates
<b>UN</b>	United Nations
<b>UNCAC</b>	United Nations Convention against Corruption
<b>UNEP</b>	United Nations Environment Programme
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNTOC</b>	United Nations Convention against Transnational Organised Crime
<b>WCO</b>	World Customs Organisation
<b>WENSA</b>	Wildlife Enforcement Network for Southern Africa
<b>WTIWG</b>	Wildlife Trafficking Intelligence Working Group
<b>WTPC</b>	Wildlife Trafficking Priority Committee of the NATJOINTS

## DEFINING ASPECTS OF POACHING AND WILDLIFE TRAFFICKING FOR PURPOSES OF THIS STRATEGY

For the purposes of this strategy, the terms “illicit value chain”, “law enforcement”, “poacher/s”, “poaching”, “smuggling”, “trafficking syndicate” and “wildlife trafficking”, are understood to mean the following:

Word/Phrase	Explanation
<b>Illicit Value Chain</b>	The illicit value chain encompasses the domestic and global set of activities (source, transit and market), in which criminal syndicates or criminal enterprises (including systems of functional or business specialties and roles) operate to traffic illicit commodities. The illicit value chain includes all activities related to the criminal enterprise, comprising supply, logistics, distribution, marketing and the sale of illicit or contraband products in an illicit market.
<b>Law Enforcement</b>	Law enforcement in South Africa is primarily the duty of the SAPS, which is responsible for investigating crime and maintaining safety and security, throughout the country. The SAPS is established, in accordance with the provisions of Section 205 of the Constitution of the Republic of South Africa of 1996. However, for purposes of this strategy, the term also includes, where relevant, activities of other government departments within the country’s security, legal and justice, border management, conservation, customs, home affairs, financial, diplomatic and legislative domains.
<b>Poacher/s</b>	This means or relates to an individual or a group of individuals who are responsible for the illegal hunting and capturing, killing, harvesting/collection and possession of fauna and flora, with the intention of possessing, transporting, consuming, exporting or selling these and/or using their body parts.
<b>Poaching</b>	This means or relates to any activity that contravenes the laws and regulations established to protect renewable natural resources (especially those listed as threatened and/or protected by law and international treaties) and, in particular, the illegal hunting (including conspiring to hunt), killing (including conspiring to kill), illegal capturing and harvesting/collection of fauna and flora with the intention of possessing, transporting, consuming, exporting or selling it and/or using its body parts.
<b>Smuggling</b>	This means or relates to the illegal transportation of contraband, which includes, both domestic and transnational smuggling.
<b>Trafficking Syndicate</b>	This relates to multifaceted centralised or decentralised criminal networks that are involved in or linked to the illicit value chain. Trafficking syndicates may, include a grouping of individuals, who have a shared purpose of profit and could be opportunistically linked to illicit or licit commerce.



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<b>Wildlife Trafficking</b>	This means or relates to the entire illicit value chain of transnational wildlife organised crime, including criminal activities such as the illegal killing, harvesting, smuggling and trade of fauna and flora which takes place in an organised manner. Furthermore, wildlife trafficking also includes all forms of corruption, money laundering and marketing of the illicit goods linked to this phenomenon.
<b>Crime Intelligence</b>	The term "crime intelligence" is defined in South Africa's National Strategic Intelligence Act of 1994 as "intelligence used in the prevention of crime or to conduct criminal investigations and to prepare evidence for the purpose of law enforcement and the prosecution of offenders". In addition, in the same Act it is stated that it will be the function of the SAPS (Crime Intelligence Division in this case) to "gather, correlate, evaluate, co-ordinate and use crime intelligence in support of the objects of the SAPS as contemplated in section 205 of the Constitution".

## EXECUTIVE SUMMARY

Wildlife trafficking is not purely a conservation and environmental management problem but constitutes a highly sophisticated form of serious transnational organised crime that is a threat to national security. This document sets out the National Integrated Strategy to Combat Wildlife Trafficking. It is the first wildlife trafficking combating strategy of its kind in South Africa and has one primary goal: to direct law enforcement structures in South Africa and empower them with the necessary means, to reduce and prevent the increasing scourge of wildlife trafficking, in the country itself and abroad.

To achieve this, the South African Government has acknowledged the need to improve its ability to prevent, combat and investigate wildlife trafficking, through achieving, amongst others, the following three main strategic objectives:

- **Enhancing law enforcement efforts, and mobilising society, towards effective investigation, prosecution and adjudication of wildlife trafficking, as a form of transnational organised crime:** The strategy outlines the necessary steps the SAPS and other relevant Government and non-government entities should take to increase and enhance law enforcement capacity in the country, focusing specifically on the investigation and prosecution of wildlife trafficking syndicates. This includes a significant improvement in wildlife trafficking investigation resources (both human and technological); changing current policies, which will make the SAPS the lead department, regarding the issue of combating wildlife trafficking; increased investigations and prosecutions related to corruption and wildlife trafficking; improving intelligence gathering and analysis on the issue; strengthening collaboration between the SAPS and other government departments, as well as non-government entities that play a role in the wildlife and conservation sectors; and consolidating law enforcement initiatives, regarding the investigation of wildlife trafficking.
- **Increasing Government's commitment, and potential to implement policy solutions that detect, prevent and combat wildlife trafficking in South Africa and beyond:** The strategy outlines the necessary initiatives Government should take to increase its ability to detect and prevent wildlife trafficking, especially in the border management environment. This includes an increase in detection and prevention resources in and 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 in and around poaching hotspots.

- **Increasing national, regional and international law enforcement collaboration and cooperation on combating wildlife trafficking:** The strategy outlines the necessary initiatives Government should take to increase international law enforcement collaboration, to improve its ability to prevent, combat and investigate the entire illicit value chain of wildlife trafficking in South Africa. This includes, among others, joint law enforcement and intelligence operations between South Africa and law enforcement agencies from transit and market countries on wildlife trafficking; increased South African participation in international wildlife trafficking combating forums; and the benchmarking of effective wildlife trafficking practices.

Achieving the above-mentioned objectives will significantly increase the South African Government's ability to not only detect wildlife trafficking, but also prevent this form of serious transnational organised crime. In addition, the strategy also briefly outlines certain non-law enforcement factors that the Government and non-government role players should address, to increase their ability to prevent wildlife trafficking. The strategy is based on a five-year plan, which is divided into three time-based frameworks, a short-term strategy (first year), a medium-term strategy (first three years) and a long-term strategy (first five years and beyond). Furthermore, several measurable key performance areas are outlined in the strategy's proposed implementation plan (Appendix A), which would then be used by Government to monitor and evaluate the impact of implementation on its objective of reducing wildlife trafficking in South Africa.

Lastly, the interdepartmental task team that developed the NISCWT, also developed an accompanying Socio-Economic Impact Assessment (SEIAS), which was subsequently presented to and approved by DPME. This is in line with the Government's requirement that the implementation of all newly developed national integrated strategies must only take place subsequent to the development and approval of a relevant SEIAS, by the DPME. The relevant SEIAS quality assurance sign-off form from the DPME, is attached as Appendix C.

## 1. INTRODUCTION

According to Chapter 2, Section 24 of the Bill of Rights in the *Constitution of the Republic of South Africa, 1996*, “everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations...”. The country’s National Development Plan 2030 (NDP) (Chapters 5 and 7) supports this notion, as there is a need for the country to “protect the natural environment in all respects, leaving subsequent generations with at least an endowment of at least equal value”. South Africa is also party to several international multilateral environmental agreements, among others the Convention on Biological Diversity and CITES, which oblige the country to conserve its natural resources and ensure that international trade in listed wildlife species does not threaten their survival in the wild. South Africa, therefore, not only has a national obligation, but also an international obligation, to address wildlife trafficking that negatively impacts on its precious natural resources.<sup>1</sup>

The proliferation of transnational organised criminal networks in South Africa, since the 1990s has led to a significant escalation in the poaching and trafficking of the country’s wildlife resources that could be sold on illicit markets in other parts of the world. Until now, the low risk associated with environmental crime in South Africa and across the world has provided a relatively safe environment for criminal networks, in which to operate. Taking advantage of the complexity of this type of crime, criminals operating internationally have significantly benefited and thrived, while the international law enforcement community has only recently started to effectively address these crimes.

The gravity of this form of transnational organised crime has a particularly negative impact on conservation and security and has attracted attention at the highest level of governments and the global community, as evidenced by the number of resolutions adopted by intergovernmental bodies and public statements of world leaders over the past few years, as well as regional and international strategies developed, in order to combat this form of crime and related crimes. For example, this notion was underpinned by the United Nations (UN), in 2015 when its General Assembly adopted its first ever resolution on international security, related to wildlife trafficking and the need to increase efforts to combat it. The resolution stated that, “illicit trafficking in protected species of wild fauna and flora, is an increasingly sophisticated form of transnational organised crime, recalling Economic and Social Council resolution 2012/19 of 26 July 2012, in which the Council recognised that organised crime had diversified and represented a threat to health and safety, security, good governance and the sustainable development of States, and therefore underlining

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<sup>1</sup> National Development Plan 2030: Our Future - Make it work, p. 47.

the need to combat such crimes, by strengthening international cooperation, capacity-building, criminal justice responses and law enforcement effort".<sup>2</sup>

The above-mentioned issue was also emphasised in an African context, in 2015 when the African Union (AU) requested that all African countries adopt or amend legislation, where necessary, which will "criminalise poaching and wildlife trafficking, and synthesise a coordinated effort in the enforcement of those laws and their related crimes, by ensuring such criminal offences are "serious crimes" within the UN Convention against Transnational Organised Crime".<sup>3</sup>

To combat wildlife trafficking, which encompasses the entire illicit value chain in an organised manner, the South African Government has identified the need for a whole-of-government approach (assisted by civil society). The NISCWT addresses this need.

## 2. REGULATORY FRAMEWORK

The NISCWT must be understood against the background of the applicable regulatory framework. The following table provides a description of the relevant legislation as well as the relevance thereof to the NISCWT.

REGULATORY FRAMEWORK		
Name of legislation	Purpose	Impact on NISCWT
Animal Protection Act, 1962 (Act No. 71 of 1962)	<ul style="list-style-type: none"> <li>The Animal Protection Act consolidates and amends the laws relating to the prevention of cruelty to animals.</li> </ul>	Allows for prosecution based on any offences relating to cruelty to animals, including wildlife, and can be used in conjunction with other pieces of legislation to strengthen enforcement actions.

<sup>2</sup> United Nations, General Assembly, *Resolution 69/314*, 30 July 2015.

<sup>3</sup> [http://static1.1.sqspcdn.com/static/f/157301/26193850/1430685924260/BRAZZA+DECLARATION+FINAL\\_EN.pdf?token=ucBETKGiDVyEtDvEWE0w2VosSkA%3D](http://static1.1.sqspcdn.com/static/f/157301/26193850/1430685924260/BRAZZA+DECLARATION+FINAL_EN.pdf?token=ucBETKGiDVyEtDvEWE0w2VosSkA%3D).

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<b>REGULATORY FRAMEWORK</b>		
<b>Name of legislation</b>	<b>Purpose</b>	<b>Impact on NISCWT</b>
<b>Border Management Authority Act, 2020 (Act no.2 of 2020)</b>	<ul style="list-style-type: none"> <li>To provide for the establishment, organisation, regulation, functions and control of the Border Management Authority.</li> </ul>	The Act establishes the Border Management Authority, whose functions are to facilitate and manage the legitimate movement of persons within the border law enforcement area and at ports of entry; facilitate and manage the legitimate movement of goods within the border law enforcement area and at ports of entry; and co-operate and co-ordinate its border law enforcement functions with other organs of state, border communities or any other persons.
<b>Constitution of the Republic of South Africa, 1996</b>	<ul style="list-style-type: none"> <li>The Constitution of South Africa is the supreme law of the Republic of South Africa. It provides the legal foundation for the existence of the Republic; it sets out the rights and duties of its citizens and defines the structure of the Government.</li> </ul>	<p>The Constitution contains a Bill of Rights, which includes an environmental right. In terms of this right, everyone has a right to an environment not harmful to their health and wellbeing and to have the environment protected for current and future generations. The aim of the NISCWT is aligned with this environmental right.</p> <p>In addition, when offenders transgress any relevant legislation, and they are apprehended, they have certain rights in terms of the Constitution which must be taken into consideration.</p>
<b>Criminal Law (Forensic Procedures) Amendment Act 2010 (Act No. 6 of 2010);</b>	<ul style="list-style-type: none"> <li>The purpose of the Act is to provide for, <i>inter alia</i>, the following – <ul style="list-style-type: none"> <li>for the compulsory taking of and destruction of fingerprints of certain categories of persons; and for the taking of and retention of fingerprints and body-prints for investigative purposes;</li> <li>regulate proof of certain facts by affidavit or certificate;</li> <li>amend the South African Police Service Act, 1995, so as:</li> </ul> </li> </ul>	This Act contains various requirements pertaining to the forensic aspects of criminal proceedings in South Africa. Compliance to these requirements must always be ensured during the institution of any criminal proceedings, including those related to wildlife trafficking.

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<b>REGULATORY FRAMEWORK</b>		
<b>Name of legislation</b>	<b>Purpose</b>	<b>Impact on NISCWT</b>
	<ul style="list-style-type: none"> <li>- regulate the storing and use of fingerprints, body-prints and photographic images of certain categories of persons;</li> <li>- the keeping of databases and to allow for comparative searches against those databases;</li> <li>- security measures relating to the integrity of information stored on these databases;</li> <li>- the development of standing operating procedures regarding access to the databases of other state departments;</li> <li>- amend the Firearms Control Act, 2000, so as to further regulate the powers in respect of fingerprints and body-prints for investigation purposes;</li> <li>- amend the Explosives Act, 2003, so as to further regulate the powers in respect of fingerprints and body-prints for investigation purposes; and</li> <li>- to provide for matters connected therewith.</li> </ul>	
<b>Criminal Procedure Act, 1977 (Act No. 51 of 1977)</b>	<ul style="list-style-type: none"> <li>• To make provision for procedures and related matters in criminal proceedings.</li> </ul>	This Act contains various requirements pertaining to criminal proceedings in South Africa. Compliance to these requirements must always be ensured during the institution of any criminal proceedings, including those related to wildlife trafficking.
<b>Customs and Excise Act (Act 91 of 1964)</b>	<ul style="list-style-type: none"> <li>• The Customs and Excise Act 91 of 1964 provides for the following:</li> <li>- to provide for the levying of customs and excise duties, the prohibition and control of the importation or manufacture or certain goods; and</li> </ul>	As SARS monitors the movement of goods through the ports of entry and exit, Section 113(8) of this Act is important as it empowers an officer, for the purposes of any law other than this Act or at the request of a member of the police service or the authority administering such law, to detain any goods while such goods are under customs control. Where SARS

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<b>REGULATORY FRAMEWORK</b>		
<b>Name of legislation</b>	<b>Purpose</b>	<b>Impact on NISCWT</b>
	<ul style="list-style-type: none"> <li>- for matters incidental thereto.</li> </ul>	detains illegal wildlife products, these matters are handed over to SAPS or the EMI to investigate further.
<b>Fencing Act, 1963 (Act No. 31 of 1963)</b>	<ul style="list-style-type: none"> <li>• The Fencing Act 31 of 1963 provides for consolidation of the laws relating to fences and the fencing of farms and other holdings and matters incidental thereto.</li> </ul>	This may be relevant in terms of wildlife species that are kept within fenced areas and additional charges could be applicable in a particular case.
<b>Game Theft Act, 1991 (Act No. 105 of 1991)</b>	<ul style="list-style-type: none"> <li>• The Game Theft Act 105 of 1991 regulates the ownership of game in certain instances; to combat the theft and wrongful and unlawful hunting, catching and taking into possession of game; and. to provide for matters connected therewith.</li> </ul>	This Act could be relevant to cases involving unlawful activities, such as theft and wrongful and unlawful hunting, catching and taking into possession of game/wildlife, which links directly to trafficking of wildlife.
<b>Marine Living Resources Act , 1998 (Act No. 18 of 1998)</b>	<ul style="list-style-type: none"> <li>• The Marine Living Resources Act provides for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources.</li> </ul>	The MLRA protects marine wildlife such as Abalone and crayfish which is not necessarily listed under NEMBA / TOPS marine species list. This Act is also the primarily piece of legislation that regulates Illegal, Unlawful and Unregulated fishing which has linkages to wildlife trafficking
<b>National Environmental Management Act, 1998 (Act No. 107 of 1998)</b>	<ul style="list-style-type: none"> <li>• The National Environmental Management Act 107 of 1998 provides for:               <ul style="list-style-type: none"> <li>- co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state;</li> <li>- the creation, powers and functions of the Environmental Management Inspectors (EMIs); and</li> </ul> </li> </ul>	This Act provides a framework relevant to environmental management. It imposes certain environmental principles that must be adhered to when interacting with the environment, such as sustainable development. This Act also contains a duty of care clause which requires every person to take reasonable measures to prevent environmental pollution or degradation. Wildlife trafficking leads to a negative impact on the environment. Therefore, the Strategy is directly aligned with the aims of this Act.



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<b>REGULATORY FRAMEWORK</b>		
<b>Name of legislation</b>	<b>Purpose</b>	<b>Impact on NISCWT</b>
	<ul style="list-style-type: none"> <li>- matters connected therewith.</li> </ul>	<p>The Act further establishes the Environmental Management Inspectorate. EMIs are mandated to verify compliance with, and enforce this Act as well as the Specific Environmental Management Acts (including the NEM: Biodiversity Act and its regulations and the NEM: Protected Areas Act). Chapter 7 contains detail on the designation of these Inspectors as well as their duties and powers, as well as other enforcement related aspects. EMIs also have powers in terms of chapter 2 of the Criminal Procedure Act and in terms of NISCWT are viewed as a force multiplier to the SAPS.</p>
<p><b>National Environmental Management: Biodiversity Act (Act 10 of 2004) (NEM: Biodiversity Act)</b></p>	<ul style="list-style-type: none"> <li>• The National Environmental Management: Biodiversity Act 10 of 2004 (a Specific Environmental Management Act) provides for: <ul style="list-style-type: none"> <li>- the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act, 1998;</li> <li>- the protection of species and ecosystems that warrant national protection;</li> <li>- the sustainable use of indigenous biological resources;</li> <li>- the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources;</li> <li>- the establishment and functions of a South African National Biodiversity Institute; and</li> <li>- for matters connected therewith.</li> </ul> </li> </ul>	<p>This Act regulates human interaction with various listed wildlife species. This Act can be used for non-compliance involving restricted activities such as possession, transport, hunting, capturing and collecting of listed wildlife species.</p>
<p><b>Threatened or Protected Species (TOPS) Regulations, 2007</b></p>	<ul style="list-style-type: none"> <li>• The purpose of these regulations issued in terms of the NEM: Biodiversity Act) is to:</li> </ul>	<p>These Regulations list certain wildlife species as threatened or protected and restrict certain activities involving these listed species.</p>

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<b>REGULATORY FRAMEWORK</b>		
<b>Name of legislation</b>	<b>Purpose</b>	<b>Impact on NISCWT</b>
	<ul style="list-style-type: none"> <li>- further regulate the permit system set out in Chapter 7 of the Biodiversity Act insofar as that system applies to restricted activities involving specimens of listed threatened or protected species;</li> <li>- provide for the registration of captive breeding operations, commercial exhibition facilities, game farms, nurseries, scientific institutions, sanctuaries and rehabilitation facilities and wildlife traders;</li> <li>- provide for the regulation of the carrying out of a specific restricted activity, namely hunting;</li> <li>- provide for the prohibition of specific restricted activities involving specific listed threatened or protected species;</li> <li>- provide for the protection of wild populations of listed threatened species; and provide for the composition and operating procedure of the Scientific Authority.</li> </ul>	
<b>CITES Regulations (GNR173 dated 5 March 2010)</b>	<ul style="list-style-type: none"> <li>• These Regulations issued in terms of the NEM: Biodiversity Act, provide for the national implementation of the CITES Convention in South Africa and they are applicable in relation to the import, export and re-export of CITES listed species</li> </ul>	These Regulations contain requirements relevant to import, export, re-export and introduction from the sea of CITES listed species.
<b>Threatened or Protected Marine Species Regulations, 2017</b>	<ul style="list-style-type: none"> <li>• The purpose of these Regulations issued in terms of the NEM: Biodiversity Act is to:</li> <li>- further regulate the permit system set out in Chapter 7 of the Biodiversity Act insofar that such system applies to restricted activities involving specimens of listed threatened or protected marine species;</li> </ul>	These Regulations list certain marine wildlife species as threatened or protected and restrict certain activities involving these listed species.

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<b>REGULATORY FRAMEWORK</b>		
Name of legislation	Purpose	Impact on NISCWT
	<ul style="list-style-type: none"> <li>- provide for the registration and regulation of the following persons and facilities in respect of listed threatened or protected marine species— (i) captive breeding facilities; (ii) rehabilitation facilities; (iii) sanctuaries; temporary holding facilities; (vi) exhibition facilities; and (vii) wildlife translocators;</li> <li>- regulate the manner in which specific restricted activities may be carried out;</li> <li>- prohibit the manner in which specific restricted activities may be carried out;</li> <li>- provide for the regulation of boat-based whale and dolphin watching, and for white shark cage diving; and</li> <li>- provide for the recognition of associations or organisations.</li> </ul>	
<b>National Environmental Management: Protected Areas Act (57 of 2004)</b>	<ul style="list-style-type: none"> <li>• The National Environmental Management: Protected Areas Act 57 of 2003 (a Specific Environmental Management Act) provides for:               <ul style="list-style-type: none"> <li>- the protection and conservation of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes;</li> <li>- the establishment of a national register of all national, provincial and local protected areas;</li> <li>- for the management of those areas in accordance with national norms and standards;</li> <li>- for intergovernmental co-operation and public consultation in matters concerning protected areas; and</li> <li>- for matters in connection therewith.</li> </ul> </li> </ul>	This Act enables the declaration of various types of protected areas such as national parks and nature reserves. In addition, the various regulations promulgated under this Act, contain specific requirements relevant to activities within these declared protected areas that must be adhered to. These requirements come into play when activities relating to trafficking of wildlife occur within a declared protected area.

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REGULATORY FRAMEWORK		
Name of legislation	Purpose	Impact on NISCWT
Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998)	<ul style="list-style-type: none"> <li>• The Prevention of Organised Crime Act 121 of 1998 provides for, <i>inter alia</i>, the following:               <ul style="list-style-type: none"> <li>- Introduction of measures to combat organised crime, money laundering and criminal gang activities;</li> <li>- prohibits certain activities relating to racketeering activities;</li> <li>- prohibition of money laundering and for an obligation to report certain information;</li> <li>- criminalises certain activities associated with gangs;</li> <li>- the recovery of the proceeds of unlawful activity;</li> <li>- the civil forfeiture of criminal assets that have been used to commit an offence or assets that are the proceeds of unlawful activity;</li> <li>- the establishment of a Criminal Assets Recovery Account;</li> <li>- amends the International Co-operation in Criminal Matters Act, 1996;</li> <li>- incorporates the provisions contained in the Proceeds of Crime Act, 1996; and</li> <li>- to provide for matters connected therewith.</li> </ul> </li> </ul>	This Act is relevant to offences related to wildlife trafficking in relation to which the involvement of organised crime can be shown. This Act can be used to charge the contraveners in conjunction with other relevant legislation.
South African Police Service Act, 1995 (Act No. 68 of 1995)	<ul style="list-style-type: none"> <li>• The South African Police Service Act 68 of 1995 provides for:               <ul style="list-style-type: none"> <li>- the establishment, organisation, regulation and control of the South African Police Service; and</li> <li>- to provide for matters in connection therewith.</li> </ul> </li> </ul>	It is the SAPS mandate to detect, investigate and prevent all forms of organised crime in South Africa and this Act regulates the manner in which SAPS must execute this mandate together with other Acts including, <i>inter alia</i> , the Criminal Procure Act and POCA.

### 3. PROBLEM STATEMENT: WILDLIFE TRAFFICKING HAS BECOME A SERIOUS ORGANISED CRIME AND NATIONAL SECURITY THREAT

Fundamental to the new strategic approach to counter wildlife crime is the acceptance that it is not only an environmental concern, but has evolved into a serious organised crime and national security threat in South Africa, which requires focused law enforcement. This notion is supported by the following factors and trends, related to wildlife trafficking, in South Africa (as illustrated in Figure 1 on page 23):

- **Wildlife trafficking is a threat to human, environmental and economic security in South Africa:** Government security and conservation officials, private wildlife owners, private security personnel and others, face increasing physical risks in their attempts to prevent wildlife crime. The number of poachers (South African citizens and foreign nationals) killed while committing such crime, has also escalated over the past few years. Moreover, the safety of communities living adjacent to protected areas that have become poaching hotspots, as well as the safety of domestic and international tourists visiting these attractions, is potentially at risk. Ultimately, the biodiversity and natural resources of the country, especially in the light of the significant increase in the numbers and range of wildlife species (e.g. rhinoceros and abalone) being poached over the past few years, are also increasingly under threat. In addition, wildlife trafficking negatively impacts the economic security of the country, as the country's wildlife tourism industry significantly contributes to the country's economic well-being.
- **Wildlife trafficking in South Africa has become a threat to State security:** Transnational organised crime's focus on wildlife commodities, in South Africa and has contributed to the erosion of the rule of law and security in the country. It encompasses five main aspects; firstly, armed criminals from neighbouring countries are crossing borderlines, illegally to conduct criminal operations, in South African territory; secondly, it has a negative impact on the economic development of the country and job creation, including the development of the country's biodiverse economy which incorporates the tourism sector; thirdly, wildlife trafficking is hampering the Government's ability to ensure socio-economic development, as organised crime syndicates and activities have become embedded in communities across the country; Fourthly, it has been noted that criminal syndicates who are involved in other organised crime activities have diversified their criminal enterprises, to include wildlife trafficking and lastly, wildlife is increasingly being smuggled out of the country, either through corruption or by circumventing current border management policies and processes. In addition, personnel (at all levels) tasked with protecting the integrity of the Government and the

enforcement of its laws, have increasingly become involved in this form of transnational organised crime. Wildlife trafficking, therefore, is increasingly having a negative impact on the Government's ability, to ensure the integrity of its governance processes and structures.

- **Intensity and impact of wildlife trafficking in South Africa:** It has not only been the unparalleled increase in the numbers of rhinoceros being poached in South Africa, since 2008, which attests to the intensity of the threat, but also the increase in the range of wildlife species being poached and smuggled. This has had a serious impact on the long-term viability of some of the country's wildlife populations. It has also negatively impacted on the social fabric of certain communities – especially from impoverished areas, characterised by high levels of unemployment – which have become increasingly involved in the poaching of the country's natural resources, resulting in international wildlife trafficking syndicates establishing networks throughout the country and strengthening their illicit authority. However, the use of sophisticated equipment, including helicopters and chemical immobilisation equipment, in rhinoceros and other poaching activities, indicates that criminal activity is not solely associated with impoverished communities, but has also been undertaken by skilled wildlife professionals.
- **Previous initiatives have not significantly reduced the proliferation of wildlife trafficking in South Africa:** Rhinoceros horn trafficking increased in South Africa by more than 210%, between 2010 and 2016 (with annual poaching figures of 333 in 2010 and 1054, in 2016). Since 2016 as a result of the implementation of various strategies to combat rhino poaching South Africa has managed to arrest the escalation of rhino losses and has seen a year on year reduction in the number of poached rhinos from 2016 to 2020. However, the number of rhino poached in 2021 (451) and 2022 (448) still indicates that further efforts are critical, especially in light of the reduced populations of rhino in the country as a result of poaching and trafficking of rhino horn over a sustained period of time. Also, this sector has remained vulnerable in part, due to the lack of institutionalised multi-agency law enforcement cooperation at national and provincial level, thereby weakening appropriate governance response to the proliferation of wildlife trafficking, in South Africa. This was further compounded by the low priority attributed to the issue of wildlife trafficking by law enforcement structures. In addition, a parallel increase in the scale and breadth of other forms of wildlife trafficking, e.g. cycads, succulents and abalone, from South Africa also bears testament to the challenge in mitigating this threat to date. Furthermore, current security and prosecution initiatives have not deterred the proliferation of this form of organised crime in South Africa in any significant manner. This inability to mitigate the threat, however, forms part of a broader international law enforcement challenge, as the neutralisation of the entire transnational illicit value chain (all along the route from where the poaching takes place, transportation, intermediaries, smugglers, wholesalers and to the consumer), regarding wildlife trafficking, remains a security challenge to all countries involved.

This is largely because governments across the world, including South Africa, addressed the issue of wildlife trafficking, as a national conservation rather than a transnational organised crime issue, which this strategy aims to rectify.



This phenomenon has, therefore, necessitated the development of strategic and operational measures that will lead to improved law enforcement of wildlife trafficking in South Africa, as outlined in the next section of the strategy.

## 4. NATIONAL INTEGRATED STRATEGY TO COMBAT WILDLIFE TRAFFICKING

### 4.1 STRATEGIC INTENT

A well-resourced integrated, multidisciplinary and consolidated law enforcement approach, to break the illicit value chain of wildlife trafficking, in South Africa and beyond.

### 4.2 MISSION

To obtain the whole of Government's commitment, to direct law enforcement's ability and effort, and mobilise society's support to address the threat wildlife trafficking poses to national security and biodiversity.

### 4.3 STRATEGIC OBJECTIVES OF THE NISCWT

The following objectives have been identified to significantly increase the Government's commitment and potential to make effective policy solutions to address the security threat wildlife trafficking currently poses to the country:

- **Enhancing law enforcement efforts, and mobilising society, towards effective investigation, prosecution and adjudication of wildlife trafficking, as a form of transnational organised crime.**
- **Increasing Government's commitment, and potential to implement policy solutions that detect, prevent and combat wildlife trafficking in South Africa and beyond.**
- **Increasing national, regional and international law enforcement collaboration and cooperation in combating wildlife trafficking.**



The above-mentioned strategic objectives speak mainly to law enforcement measures, regarding the prevention of wildlife trafficking and not to other factors, such as conservation education, demand reduction for wildlife contraband and socio-economic development of those poverty-stricken communities, where high levels of poaching occur. Although it is recognised that these additional non-law enforcement factors will play a role in the reduction of wildlife trafficking in South Africa, the NISCWT focuses primarily on the improvement of Government's ability to prevent wildlife trafficking from a law enforcement and security point of view. These factors are, however, described in more detail in the strategy.

**Objective one: Enhancing law enforcement efforts, and mobilising society, towards effective investigation, prosecution and adjudication of wildlife trafficking, as a form of transnational organised crime**

- a) **Adequately resource the law enforcement initiatives outlined in the NISCWT:** The sustainability of the NISCWT solely depends on the sufficient medium- and long-term funding and resource (human and technical) allocation towards implementation of the strategy. The SAPS and other relevant government entities, should ensure that effective long-term strategic and financial planning and implementation regarding their roles and responsibilities are executed and adhered to. It is envisaged that, in view of the economic constraints this will be achieved in a phased approach, as indicated in the strategy's implementation plan (Appendix A). In the short term, resources, in terms of baseline budget allocations to Departments will be utilised, whilst over the medium to longer term, specific requests will be made for the use of the Criminal Asset Recovery Account (CARA) funding and requests to the National Treasury (See also section (e) below).
- b) **Increase effectiveness and coordination of intelligence collection and analysis on wildlife trafficking:** The term "crime intelligence" is defined in South Africa's *National Strategic Intelligence Act* of 1994 as, "intelligence used in the prevention of crime or to conduct criminal investigations and to prepare evidence for the purpose of law enforcement and the prosecution of offenders". In addition, in the same Act it is stated that it will be the function of the SAPS (Crime Intelligence Division in this case) to "gather, correlate, evaluate, coordinate and use crime intelligence, in support of the objects of the SAPS, as contemplated, in Section 205 of the Constitution". This should also include information on the topic of wildlife trafficking that is readily available (overt and covert) from non-intelligence role players. The SAPS Crime Intelligence (CI)

Division should be the primary intelligence role player, responsible for gathering, analysing, operationalising and liaising intelligence on the topic of wildlife trafficking in South Africa, which includes the following:<sup>4</sup>

- At a **strategic level**, the SAPS (with support from other Government role players), needs to increase its ability to assess current and emerging wildlife trafficking threats and conduct regular national, provincial and regional crime mapping and intelligence assessments, to provide an evidence base for policy, legislative and law enforcement interventions and prioritisation. NICOC should assist the SAPS with interdepartmental intelligence coordination to strengthen the Government's ability to assess current and possible forewarning of all security threats, related to wildlife trafficking.
  - At a **tactical and operational level**, there is a need for improved and increased crime intelligence gathering, analysis and coordination by the SAPS, on wildlife trafficking. These needs will, therefore, necessitate a significant increase in resources and skills within the SAPS and other government intelligence structures. Lastly, the SAPS CI should:
    - Consolidate all available intelligence related to wildlife trafficking.
    - Develop a consolidated intelligence database and a governance mechanism, wherein other government departments (including provincial structures) and non-governmental organisations (NGOs), should share information and coordinate intelligence initiatives. The relevant departments can receive the consolidated intelligence products.
    - Provide effective operational support to all wildlife trafficking investigations and interventions within the SAPS.
- c) **Improve law enforcement capacity to investigate wildlife trafficking:** The increase in wildlife trafficking in South Africa has highlighted that the SAPS needs to increase dedicated specialised law enforcement capacity to investigate these activities. It is, therefore, important to determine where the relevant law enforcement capacity and resource needs, to address this issue, are located. This includes capacity and resource matters, relating to specialised investigation, intelligence gathering and analysis, enforcement of wildlife legislation, legislative and policy development and joint international law enforcement projects (addressing the entire illicit value chain of wildlife trafficking). The identified gaps regarding

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<sup>4</sup> In accordance with the *National Strategic Intelligence Amendment Act* of 2002, it shall be the function of the South African Police Service, subject to Section 3: (a) to gather, correlate, evaluate, coordinate and use crime intelligence, in support of the objects of the South African Police Service, as contemplated in Section 205 (3) of the Constitution; (b) to institute counter-intelligence measures within the South African Police Service; and (c) to supply crime intelligence, relating to national strategic intelligence to NICOC.

law enforcement capacity on wildlife trafficking should, therefore, be reduced through adequate resource allocation, specialised skills development and consolidation of dedicated resources. There is also a need to increase organisational capacity and skills on wildlife trafficking at a local level within the SAPS. In addition, DFFE, SANParks and Provincial Conservation Authorities (PCAs), such as Ezemvelo KZN Wildlife, in KwaZulu-Natal, the Limpopo Department of Economic Development, Environment and Tourism (LEDET) and the Mpumalanga Tourism and Park Agency (MTPA), need to increase their Environmental Management Inspectors' (EMI) capacity to assist and enhance their operational support to relevant role players. Lastly, there is an increasing need for foreign language capacity (specifically focused on languages used by foreign nationals, who are originating or operating from transit and market countries) within the SAPS investigative capacity. To achieve the above-mentioned, the Government may use tools, such as the International Consortium on Combating Wildlife Crime (ICWC)'s *Indicator Framework for Combating Wildlife and Forest Crime*, as a possible strategic guideline, to improve its wildlife trafficking law enforcement capacity.

- d) **Increase anti-corruption investigations linked to wildlife trafficking:** Corruption linked to wildlife trafficking in South Africa is not only hampering the Government's ability to prevent wildlife trafficking, but has allowed criminal networks to establish criminal elements within government structures responsible for the detection, investigation and prevention of such trafficking. There is, therefore, a major need for Government to increase its initiatives against corruption linked to wildlife trafficking. This should not only include an increase in the number of investigations into and arrests of corrupt persons linked to wildlife trafficking, but should also result in those persons receiving appropriate sentences, which reflect the seriousness of the crime, including the seizure and forfeiture of assets.
- e) **Enhance resources to investigate financial crimes linked to wildlife trafficking:** The Government's ability to detect and investigate illicit money flows, which are linked to wildlife trafficking (e.g. financial gains from poaching, smuggling, money laundering and tax evasion) needs to be expanded. The SAPS, specifically the Directorate for Priority Crime Investigations (DPCI), assisted by role players, such as the FIC and SARS, should, therefore, increase its initiatives (including resources and investigative skills and technology), to enhance its ability to detect, investigate and prevent illicit money flows linked to wildlife trafficking, both domestically and internationally. This is based on Section 17F(3) of the *South African Police Service Act* of 1995, which states that the DPCI "shall be assisted in the performance of its functions by personnel seconded by relevant government departments or institutions, which may include personnel from the South African Revenue Service, the Financial Intelligence Centre...", This could even entail secondments from those departments to the DPCI, to enhance the directorate's investigations capacity, regarding illicit financial flows linked to wildlife trafficking. The profitability of wildlife trafficking should be targeted to

deter and disrupt the functioning of this form of criminal enterprise. Therefore, a combined approach, including resources of SARS and the FIC, should be considered during criminal investigations. Provisions in the *Prevention of Organised Crime Act* (POCA) of 1998, may similarly be considered for combating crimes of this nature.

- f) **Enhance forensic capacity linked to wildlife trafficking investigations:** Effective forensic investigations will have a positive impact on the identification, investigation and prosecution of wildlife trafficking syndicates. There is, therefore, a need for the SAPS, to establish a specialised forensic capacity with relevant skills, to investigate ballistics and human and wildlife deoxyribonucleic acid (DNA), to address the broader issue of wildlife trafficking. In this regard, the SAPS should join forces with relevant role players, such as the DFFE and SANBI, regarding this objective. In addition, the SAPS needs to ensure that standard operating procedures are followed, regarding the operational collection of DNA at all incidents of wildlife trafficking (including poaching incidents). This includes the collection, dissemination and database management of all DNA linked to wildlife trafficking. Furthermore, the SAPS also needs to increase the use of electronic forensic investigative resources, to enhance its investigative capacity, with regard to wildlife trafficking. This should be done by incorporating other Government role players, who have specialised electronic forensic investigative resources to assist the SAPS.
- g) **Appropriately charge offenders, in relation to these types of crimes and focus investigations on dealing with wildlife trafficking, as a serious organised crime:** For example, instead of just trespassing, more serious charges, where the evidence allows, be considered upon arrest and investigation. Alignment of standard operating procedures and policy directives by the SAPS and the NPA, will ensure that suspects are charged uniformly, throughout the country. Experienced and specialised prosecutors should guide these investigations, where possible.
- h) **Establish dedicated prosecution and court capacity, where possible, to focus on wildlife trafficking:** In view of the need to deal with these matters, in a dedicated and focused manner, where required, dedicated prosecutors and courts should be used to prioritise these matters. This is especially necessary in areas where the case load volumes of wildlife trafficking justify such, for example, rhinoceros horn trafficking from the Kruger National Park (KNP) and abalone trafficking from the Western and the Eastern Cape. This approach is strengthened by Section 17F(4) of the *South African Police Service Act* of 1995, which states: "The National Director of Public Prosecutions, should ensure that a dedicated component of prosecutors is available to assist and cooperate with members of the Directorate, in conducting its investigations". Lastly, there

is a need to provide appropriate foreign language interpreting capacity (specifically focused on languages, which are used by foreign nationals originating or operating from transit and market countries), in support of the prosecution of these crimes.

- i) **Prioritise wildlife trafficking crime statistics, as part of the national crime statistics:** To effectively manage current and newly established interventions on wildlife trafficking, appropriate crime statistics, relating to these crimes are required, which are currently not available. A separate crime category needs to be created for wildlife trafficking cases (including all relevant cases relating to statutory and common law crimes linked to wildlife trafficking), in the SAPS national crime statistics database, while DFFE will continue monitoring priority wildlife mortalities as a form of conservation management. It will be the SAPS's responsibility to report on these statistics on an annual basis, as is the case with all serious crime categories.
- j) **The SAPS to enhance cooperation and collaboration with non-governmental organisations and private security structures:** To increase Government's ability to detect, investigate, prosecute and prevent wildlife trafficking in South Africa, there is a need to build partnerships with communities but also, in particular, liaise with identified wildlife NGOs, as well as private security and other relevant structures, to provide support in the following ways:
- Undertaking research on wildlife trafficking trends and analyses of illegal trade in wildlife species and products.
  - Acting as a conduit to assist in the provision of relevant information on trafficking activities and syndicates and/or individuals involved in illegal activity related to wildlife trafficking.
  - Assisting, through access to local communities where poaching/smuggling occurs, linked to environmental education or other community-based activities
  - Providing specialised skills to assist with training and skills development of relevant government entities.
  - Providing support, in terms of specialised investigative, analysis and detection equipment, e.g. software and hardware.
  - Providing input, in relation to policy development relating to wildlife trafficking.
  - Sourcing information in transit and market countries, through their offices and colleagues, which are operating in these countries. Also, facilitate dialogue and engagement between South African officials and relevant agencies in these countries, if required.

- k) **Government to consolidate all law enforcement investigation and intelligence initiatives, regarding the combating of wildlife trafficking in South Africa (long-term strategy):** In order to prevent fragmentation and silo approaches to the combating of wildlife trafficking, there is a need for the government to consolidate and coordinate law enforcement activities. This necessitates the establishment of a permanent, well-resourced, specialised, multi-agency law enforcement structure with national command and control, with the specific mandate to prevent, combat and investigate all levels of wildlife trafficking syndicate activities in the country. Issues, such as intelligence collection and gathering, investigations and international collaboration on wildlife trafficking, will therefore, fall under the mandate of such a law enforcement structure.

**Objective two: Increasing Government's commitment, and potential to implement policy solutions that detect, prevent and combat wildlife trafficking in South Africa and beyond.**

- a) **Significantly reduce the risk of wildlife-related corruption:** The reduction of corruption in government structures, which have the responsibility of addressing wildlife trafficking, should be classified as a national priority. In addition to the identification, arrest and prosecution of corrupt persons, the government should also increase its measures to prevent corruption from taking place. This should for example, include the strengthening of official compliance measures, regarding the wildlife industry; increased vetting; improved measures to ensure legitimate cross-border transport of wildlife and by-products; increased internal monitoring and evaluation of law enforcement and compliance initiatives and associated risk (at an operational level); and increasing the punitive consequences upon conviction and sentencing, in relation to crimes of this nature (e.g. longer sentences and asset forfeiture).
- b) **Increase resources for security at South Africa's land, air and sea borders:** There is a need for increased security measures, including additional resources, to be deployed at the land, air and sea borders.
- c) **Increase focus on transport routes, informal and private landing strips and illegal border crossing points linked to wildlife trafficking:** This area will be prioritised by increasing law enforcement visibility (including traffic and metropolitan law enforcement agencies) on land smuggling routes, prioritising *ad hoc* law enforcement and intelligence gathering operations at smaller informal and private landing strips (legal

and illegal) linked to wildlife trafficking and increasing joint law enforcement operations with the SANDF and the BMA at cross-border wildlife trafficking hotspots, between South Africa and its neighbouring countries.

- d) **Include increased crime prevention initiatives in and around communities adjacent or linked to poaching hotspots, as part of law enforcement activities:** There is a need for the SAPS to increase its crime prevention operations in communities adjacent or linked to poaching hotspots, as many of the poachers originate from these areas. For example, communities living to the west and south of the KNP and adjacent to the Hluhluwe-Imfolozi Game Reserve, in KwaZulu-Natal, as well as in and around abalone poaching hotspots in the Western and the Eastern Cape, should be focused on by the SAPS for increased crime prevention operations.
- e) **Improve detection and prevention of wildlife trafficking through ports:** An improvement in the Government's general ability to effectively manage its governance processes at ports, is essential to the reduction of wildlife trafficking in South Africa, including the following:
- Focused operations leading to increased accountability and improved monitoring of officials responsible for the management of legal wildlife movement (compliance and permitting) and officials responsible for enforcing border management policies (ensuring due diligence)
  - Wildlife trafficking prevention to be incorporated, as a security priority at all ports, including transit areas
  - Increased training and skills development at all ports, on addressing wildlife trafficking
  - Significant increase in wildlife detection resources at all ports (starting with prioritised ports), including technology, detector dogs, human resources and permanent facilities to host these resources
  - Equal emphasis to be placed on wildlife contraband leaving and entering South Africa
  - Increased route/vessel profiling at air and marine ports (especially those originating from or departing to transit and market countries and other known smuggling routes, in relation to wildlife trafficking)
  - Increased intelligence operations, collection, analysis and dissemination, as well as intelligence gathering resources at all major ports, related to wildlife trafficking
  - Increased collaboration with private security and cargo handlers at ports, to enhance the Government's ability to collect information, screen and profile the movement of cargo and people and to enforce border management policies.

- f) **Consolidate and increase wildlife compliance and enforcement:** The NISCWT should not only address the organised criminal element of wildlife trafficking, but also wildlife compliance and enforcement issues relating to wildlife trafficking. Current challenges regarding wildlife compliance and enforcement, such as resource shortages; fragmentation and inconsistency in legislation and regulatory implementation (as this is both a provincial and national mandate); lack of specialised skills; collusion by wildlife management officials; non-compliance with permits and permit conditions; and lack of a consolidated national permitting structure and database, are hampering the Government's ability to reduce wildlife crimes and to enforce existing wildlife management and conservation legislation. To mitigate these challenges, DFFE, with the support from relevant PCAs, should:
- Significantly increase its wildlife compliance and enforcement resources nationally (in particular the capacity of the Environmental Management Inspectorate), to ensure improved wildlife compliance and enforcement, both nationally and provincially.
  - Initiate a policy and legislative development process (including a review of the constitutional mandates), to move towards the national consolidation of all forms of wildlife compliance and enforcement, including permitting, databases, investigations, etc., to overcome the current challenge of a fragmented wildlife management structure in the country (provincial wildlife management structures are not currently accountable to national wildlife management structures). In this regard, it would be critical to develop an effective regulatory system (which includes provincial and national wildlife compliance and enforcement structures) that is accountable to the DFFE, as the national department for such matters.
  - Review the country's current wildlife permit system and the necessary wildlife management legislation and policies, to identify and close loopholes exploited by criminal elements.
  - Execute a national risk and security assessment of all relevant wildlife parks/reserves, where wildlife trafficking has been recorded (nationally and provincially), so that the necessary policy and procedure changes can be made, to strengthen the country's ability to prevent the trafficking of its wildlife. The SAPS and SSA are to assist the DFFE, in this matter.



**Objective three: Increasing national, regional and international law enforcement collaboration and cooperation on combating wildlife trafficking**

- a) **Diplomatic position on wildlife trafficking to reflect the issue as a national security priority:** South Africa's international diplomatic engagement should seek to improve international law enforcement cooperation, by transcending this issue from a conservation issue to a national security priority. This position should be adopted when all official bilateral and multilateral engagements on the topic take place between South Africa and foreign governments, especially with transit and consumer countries (along the entire illicit value chain). South Africa will not be able to stem the current tide of wildlife trafficking in the country if governments from transit and market countries have not agreed, at a diplomatic level, to address the issue as an international law enforcement priority. This will, therefore, mean that the SAPS, DFFE, DIRCO, SSA, BMA and SARS should be the lead departments (joint approach), whenever the South African Government is represented at any international forum on the issue of wildlife trafficking. Expectedly, international law enforcement cooperation between stakeholder countries, will improve if wildlife trafficking is elevated to a security issue at a diplomatic level, rather than being dealt with as a conservation issue.
- b) **Strengthen law enforcement cooperation with relevant countries:** Diplomatic relations with foreign countries implicated in participating in the illicit value chain of wildlife trafficking from South Africa, should encourage the strengthening of law enforcement and intelligence gathering cooperation with South Africa and relevant transit and market countries. This would include that joint law enforcement and intelligence gathering/sharing agreements be developed and approved (where there are none) and operations be initiated with relevant countries, with regard to wildlife trafficking.
- **Transit countries:** The proposed law enforcement and intelligence gathering/sharing agreements between South Africa and transit countries should commence with agreements by neighbouring transit countries (e.g. Mozambique, Swaziland and Zimbabwe), that should investigate the possibility of joint tactical law enforcement and intelligence operations, which for instance will require:
    - cross-border pursuit of poachers smuggling rhinoceros horn and other illicit wildlife products;
    - specialised law enforcement resource support to transit countries;

- providing the transit country governments with wildlife trafficking detection skills and technology, as a form of law enforcement support (including detector dog training and capacity building);
  - providing transit country governments with intelligence on trafficking syndicates operating in that country, to increase its ability to detect and prosecute those syndicates; and
  - subsequent to this, the same must be duplicated with other identified priority wildlife trafficking transit countries, which are not mentioned above.
- 
- **Market countries:** The proposed law enforcement and intelligence gathering/sharing agreements between South Africa and market countries should commence with bilateral agreements being finalised with market countries, such as; China, Thailand and Vietnam, which should investigate the possibility of joint tactical law enforcement and intelligence operations. This should include the sharing of intelligence on trafficking syndicates operating in the respective countries, to increase their ability to detect and prosecute such syndicates. Subsequent to this, the same must be duplicated with other identified priority wildlife trafficking market countries, which are not mentioned above.
  - Criminal extradition and legal assistance agreements are to be developed, approved and implemented with all relevant countries. This should result, as a matter of urgency, in known wildlife trafficking organisers operating from countries, such as, Mozambique, China and Vietnam, being extradited to South Africa for prosecution. The use of tools, such as Interpol notices, is encouraged.
  - A domestic wildlife trafficking law enforcement forum, with foreign law enforcement representation, located in South Africa (e.g. police attachés, custom attachés and foreign intelligence services), should be established. This will allow South Africa's law enforcement agencies, to directly engage foreign law enforcement on the topic of wildlife trafficking.
  - The SAPS should establish joint law enforcement projects with foreign law enforcement and customs agencies, so that it can increase its ability to effect international "controlled deliveries" to gather intelligence on the entire illicit value chain of wildlife trafficking from South Africa.
  - The SAPS should increase its resource allocation to Interpol and the utilisation of its processes, regarding international law enforcement cooperation, specifically on the issue of wildlife trafficking.

- c) **Benchmark global best practices, regarding wildlife trafficking investigations/prevention:** South Africa can use several international examples of foreign wildlife trafficking investigation structures and prevention resources (such as detection technology, analysis software and law enforcement coordination tools) as a benchmark to increase its ability to detect, investigate, prosecute and prevent wildlife trafficking. The SAPS and other role players should, therefore, benchmark international best practices on the detection and prevention of wildlife trafficking.
  
- d) **The SAPS to play a key role in regional and international wildlife trafficking combating initiatives:** South African departments, especially the SAPS, should increase its resources and support (both strategic and operational) to international anti-wildlife trafficking initiatives and forums. This should be done to harmonise approaches for addressing wildlife trafficking, strengthen legislative/legal frameworks, connect countries and foster inter-agency trust and communication. The SAPS should, for example, prioritise wildlife trafficking, as a policing priority when engaging other policing agencies at the Southern African Regional Police Chiefs Cooperation Organisation (SARPPCO). In addition, the SAPS (and other government role players) should increasingly engage international governmental organisations (IGOs), such as; the United Nations Office on Drugs and Crime (UNODC), ICCWC, the SADC Wildlife Crime Prevention and Coordination Unit, the Association of Southeast Asian Nations' Wildlife Enforcement Network (ASEAN-WEN) and the Green Customs Initiative, as they have shown to be effective platforms of law enforcement collaboration on wildlife trafficking, at international level.

## **5. IMPLEMENTING THE NISCWT: ROLES AND RESPONSIBILITIES / STAKEHOLDER ENGAGEMENT**

The roles and responsibilities of all relevant stakeholders should be clearly defined in the strategy's implementation plan (Appendix A) and the implementation needs to be monitored on a continuous basis, by the principals of the JCPS Cluster and other relevant Clusters (especially, in relation to the DFFE, as a key role player in the implementation of the NISCWT). Departments should include specific deliverables from the implementation plan in their respective annual performance agreements. The JCPS Cluster should, on a regular basis, be provided with progress reports and challenges that should be addressed inter-sectorally. There will also be a need for the Presidency, the principals of the JCPS Cluster and other relevant clusters, to annually evaluate the effectiveness of the strategy, a process that should be led by the SAPS.

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Other government departments and non-government entities involved in law enforcement, border management, customs, wildlife management and the conservation sector, will also play an important role in assisting the SAPS, regarding the effective implementation of the NISCWT, as described below:

<b>STAKEHOLDERS</b>	
<b>NAME</b>	<b>ROLES AND EXPECTATIONS</b>
Border Management Authority (BMA)	The BMA should aim to increase the Government’s ability to detect and prevent transnational organised crime to and from South Africa, through the establishment of a nationally integrated border management structure.
Department of Forestry, Fisheries and the Environment (DFFE)	The DFFE needs to play a critical role in the implementation of the NISCWT, especially regarding the department’s mandate of enforcement and compliance, relating to environmental and fisheries issues, the national coordination of the Environmental Management Inspectorate (EMI), its access to, oversight and regulation of the wildlife and fisheries industries, as well as by providing a force multiplier to the SAPS through its already established wildlife and fisheries crime investigation capacity (including the analysis capacity in the Environmental Enforcement Fusion Centre (EEFC)) and providing support regarding international cooperation through its already established working relationships with international wildlife and fisheries structures. In addition, the DFFE is the National CITES Management Authority in South Africa.
Department of International Relations and Cooperation (DIRCO)	DIRCO should provide international diplomatic support to the SAPS, regarding any interaction (including the development of bilateral and multilateral agreements) between the SAPS and DFFE and the law enforcement and conservation agencies of other governments on the investigation and prevention of wildlife trafficking.
Department of Justice and Constitutional Development (DOJ & CD)	The DOJ & CD should assist all relevant government role players, in the development or amendment of legislation or any other legal frameworks, where necessary, as stipulated in the objectives of the NISCWT and assist with the provision of relevant appropriate courts to deal with the expedited prosecution and adjudication of matters of this nature. The NPA and DOJ & CD should also communicate successes which were achieved, regarding the prosecution, conviction and where appropriate meter heavy sentences to the public, so as to assist in deterring these crimes.
Financial Intelligence Centre (FIC)	The FIC should provide SAPS criminal investigators with financial intelligence on issues such as money laundering and illicit money flows, relating to wildlife trafficking.

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<b>National Intelligence Coordinating Committee (NICOC)</b>	NICOC should provide strategic intelligence coordination support to the government, on the issue of wildlife trafficking in South Africa.
<b>National Prosecuting Authority (NPA)</b>	The NPA should provide specialised and dedicated prosecution direction and support to investigations into wildlife trafficking. Experienced prosecutors should be allocated to deal with these prosecutions and to help prioritise and expedite such matters. The NPA's Asset Forfeiture Unit (AFU) should play a more prominent role in the prosecution of wildlife trafficking syndicates.
<b>Non-Governmental Organisations (NGOs) and Private Security (PS)</b>	These include relevant domestic non-government entities, such as conservation organisations, wildlife research organisations, private wildlife owners and relevant associations, as well as private security companies (currently protecting both private and government game reserves), which should play an important role in increasing the Government's ability to detect, investigate and prevent wildlife trafficking.
<b>South African National Defence Force (SANDF)</b>	The SANDF's role is not limited to that in the country's border management initiatives. It should also play a supporting role in providing tactical support, where cross-border wildlife trafficking takes place between South Africa and its neighbouring countries.
<b>South African National Parks (SANParks)</b>	SANParks should provide input to SAPS investigations with tactical support, relating to poaching incidents in and around their parks (detection, intelligence, etc.), which will lead to the identification, arrest and prosecution of broader wildlife trafficking syndicates operating outside national parks. EMIs responsible for wildlife investigations within SANParks should also provide a force multiplier to the SAPS through its already established wildlife and crime investigation capacity.
<b>Provincial Conservation Authorities (PCAs)</b>	PCAs responsible for managing provincial reserves should provide input to SAPS investigations with tactical support, relating to poaching incidents in and around their parks/reserves (detection, information, etc.), which will lead to the detection, arrest and prosecution of wildlife trafficking syndicates which are operating in and outside provincial parks/reserves. EMIs responsible for wildlife investigations within these provincial authorities, should also play a force multiplier role to the SAPS.
<b>South African National Biodiversity Institute (SANBI)</b>	SANBI must monitor and report regularly to the Minister of Forestry, Fisheries & the Environment on (i) the status of the Republic's biodiversity and (ii) the conservation status of all listed threatened or protected species (TOPS) and listed ecosystems. SANBI will thus be able to give information on the conservation status of the specific types of taxa linked to the implementation of the NISCWT which should be reviewed annually.
<b>South African Police Service</b>	The South African Police Service, which is fundamentally the lead Justice, Crime Prevention and Security (JCPS) Cluster department, responsible for the implementation of the strategy will play a critical role in the implementation of the strategy through its different structures. It is the SAPS mandate to detect, investigate and prevent all forms of organised crime in South Africa.

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<b>South African Revenue Service (SARS)</b>	SARS should increase the Government's ability to detect wildlife smuggling, through South Africa's ports, by continuing to provide customs detector dogs imprinted for wildlife contraband and by supporting the SAPS in possible controlled-delivery operations and World Customs Organisation (WCO) liaison. In the context of its revenue mandate, SARS should strengthen Government's ability to detect and investigate possible tax evasion and tax-related money laundering, for the purpose of tax evasion during all criminal investigations of wildlife trafficking enterprises. SARS should continue to support the wildlife contraband detection capacity of other departments and neighbouring customs authorities.
<b>State Security Agency (SSA)</b>	The SSA should assist by playing a domestic and foreign intelligence gathering support role to the SAPS, regarding wildlife trafficking investigations (as a form of transnational organised crime and a subsequent threat to national security).

## FOCUSING ON SPECIFIC TAXA

There is a need to declare crimes committed in relation to specific species linked to wildlife trafficking a national policing priority (as was done with rhinoceros). In addition, taking into account current limited specialised law enforcement resources allocated to the detection, investigation, prosecution and prevention of wildlife trafficking in South Africa, it would be impossible for the SAPS and other role players to effectively improve the country's ability to combat wildlife trafficking if the focus were on all forms of wildlife crime in the country. To mitigate this challenge, the NISCWT's focus will, in the first instance, be on the following four declared priority taxa and significant forms of wildlife trafficking in South Africa:

- Rhinoceros – trafficking of parts such as horn and derivatives
- Elephants – ivory trafficking
- Abalone trafficking
- Cycad trafficking

However, it should be noted that, the implementation of the NISCWT will have a direct impact on the Government's ability to detect and prevent other forms of wildlife crime (e.g. pangolin, exotic birds, succulents, snakes, crayfish and timber) as well. Increasing wildlife trafficking detection resources at the country's ports will strengthen the Government's ability to detect all forms of illicit wildlife contraband which goes through these ports, not only the four declared priority taxa mentioned above. Lastly, the specific types of taxa linked to the implementation of the NISCWT should be reviewed annually, by the relevant Government role players who are responsible for the implementation of the strategy.

## 6. ADDITIONAL NON-LAW ENFORCEMENT FACTORS THAT NEED TO BE ADDRESSED

In addition to the law enforcement actions mandated to the NISCWT, it is noted that a range of additional activities are required, in relation to addressing the illicit supply chain for high-value wildlife products. The overarching purpose of all such interventions, is to reduce criminal behaviour by increasing efforts and risks and decreasing the benefits associated with wildlife trafficking.

Generally, global awareness about wildlife trafficking and the impact on flagship species, such as; rhinoceros and elephants, including subsequent economic and ecological effects, is very high. There is a need to continue communication and awareness raising work to all relevant audiences, in South Africa, including Government, as well as corporate and civil society, to inform people about the effects and what they can do to assist in preventing wildlife trafficking.

Globally, there is a need for communication targeted at changing the behaviour of end-consumers, in order to reduce the demand for illicit wildlife products and generate a change in the social acceptability of consumption of illegal wildlife products. The extremely high commercial value attached to illicit wildlife products, such as illegal rhinoceros horn and ivory, is currently the primary driver behind this criminal activity. Any communication campaigns, in this regard need to be supported by law enforcement actions in consumer countries, to reduce the level of supply of illegal products which are available and increase the risk of penalty, to those behaving illegally, by consuming illicit products.

At national level, combating wildlife trafficking and achieving conservation goals, require a balance between law enforcement actions against criminals and incentivising local communities and land owners to support wildlife. The need to ensure that local communities neighbouring protected areas are able to benefit, legally, from sustainable use of the country's fauna and flora is ongoing. Government and relevant NGOs need to identify innovative approaches for communities to participate in a conservation-based economy, to improve local communities' attitude towards conservation and, in part, to also enhance the social capital needed to resist the benefits of involvement in illegal wildlife trade.

Low socio-economic conditions and basic infrastructure available to many of the communities living adjacent to protected areas and high-value wildlife species, also contribute to the challenges. Many of the poor rural areas face service-delivery backlogs and inadequate access to basic services, such as health, education, roads and transport, police stations, water and sanitation and electricity provision. High levels of unemployment



and resentment around lack of access to protected areas, may also contribute to involvement in wildlife trafficking. There is, therefore, a need for significant focus on provision of such services, as part of the complex drivers behind the current situation. Efforts are also required to support local policing and general safety and security at a village level, including crime prevention strategies, to address the impact of organised criminal networks which are associated with wildlife trafficking on rural communities.

Even though the NISCWT focuses primarily on the detection, investigation, prosecution and prevention of wildlife trafficking, as a form of transnational organised crime, it is noted that other non-law enforcement initiatives should be undertaken, enhanced or increased by both Government and non-government entities, to increase the Government's ability to reduce and prevent wildlife trafficking in South Africa. Non-law enforcement government departments and entities, such as the Department of Social Development, the Department of Health, Local Municipalities and others, will have a direct role to play in the decrease in wildlife trafficking in South Africa.

## 7. NISCWT IMPLEMENTATION TIMEFRAMES

The NISCWT will be aligned to Government's Medium-Term Strategic Framework (MTSF) and Medium-Term Expenditure Framework (MTEF). It will be implemented over a five-year period and divided into the following three time-based strategies:

- **Short-term strategy (Year 1 & 2):** This will address what can be done by Government and all other relevant role players in the first year of the NISCWT's approval and subsequent implementation, that will have a direct impact on the Government's objective (and ability) to prevent wildlife trafficking. It will include so-called "quick wins", as well as the enhancement of current law enforcement structures, that will assist Government in its ability to combat wildlife trafficking over the medium- and long-term periods.
- **Medium-term strategy (Year 3 & 4):** This will address what can be done by Government and all other relevant role players in the following three years of the NISCWT's implementation, that will significantly increase the Government's ability to combat wildlife trafficking. An example of a medium-term strategy could include the permanent establishment of specialised wildlife detector dog capacity at ports that did not have access to such capacity before.
- **Long-term strategy (Year 5 & 6 and beyond):** This will address what can be done by Government and all other relevant role players in the first five years (and beyond) of the NISCWT's implementation, that will significantly increase the Government's ability to combat wildlife trafficking. An example of a long-term strategy could include the establishment of a national anti-wildlife trafficking unit within the SAPS.

The key performance areas (KPA) linked to the above-mentioned time frames are outlined in a proposed implementation plan (Appendix A) which will be reviewed by the Priority Committee on Wildlife Trafficking upon approval of the NISCWT. The time frames for implementation set out in Appendix A, can be refined on an annual basis when planning for the next financial year takes place. It is also recommended that the NISCWT and its objectives, as well as specific focus and key performance areas be reviewed every five years. The proposed implementation plan is followed by a list of the broad risks and mitigation actions (Appendix B) which can be reviewed and further refined on an annual basis.

## 8. MEASURING THE IMPACT OF THE NISCWT

There is a need to outline several measurable key performance areas to monitor and evaluate the impact of the implementation of the NISCWT on Government's objective of reducing wildlife trafficking in South Africa, which may include the following:

- a) A significant increase in specialised (and permanent) law enforcement resources, regarding the detection, combating and investigation of wildlife trafficking in South Africa (including a consolidated law enforcement strategy and entity within the SAPS which focuses solely on wildlife trafficking).
- b) A reduction in wildlife poaching numbers, across the country and wildlife (fauna, flora and by-products) being smuggled out of and transiting through the country, focusing on rhinoceros, elephant, cycads and abalone, as declared priority taxa over the first five years of the NISCWT's implementation.
- c) A significant increase in arrests and convictions, relating to all wildlife trafficking matters and especially syndicate members, along the entire illicit value chain, including a significant increase in the arrest and prosecution of higher level syndicate members.
- d) A significant increase in detection and seizure of illegal wildlife products – including at ports and along the borderline.
- e) A significant increase in the detection, arrest and prosecution of corrupt persons involved in wildlife trafficking.
- f) Developed, approved and implemented law enforcement, border management, customs and intelligence cooperation agreements on wildlife trafficking (at operational and tactical levels) with transit countries, such as Mozambique, Zimbabwe, Swaziland, Tanzania and the United Arab Emirates (UAE) and market countries, such as China (including Hong Kong), Vietnam, Thailand and the UAE.

Quantitative specifics linked to some of the above-mentioned measurable areas are outlined in more detail in the NISCWT's proposed implementation plan (Appendix A). These measurable key performance areas should be used by the Government, in measuring the effectiveness of the NISCWT's implementation.

## 9. CONCLUSION

The current rhinoceros and abalone poaching challenge in South Africa, has illustrated how quickly a conservation issue can become securitised and develop into a national security issue, in an environment where transnational organised crime issues are addressed as conservation, rather than law enforcement issues. The current rhinoceros issue in South Africa could, however, be seen as just the beginning of a larger security threat facing the country, namely; the challenge to effectively protect South Africa's wildlife resources from being targeted by international wildlife trafficking syndicates.

The effective implementation of the NISCWT, will ensure that the country will significantly increase its ability to detect, investigate, arrest, prosecute and prevent wildlife trafficking, in South Africa and beyond. It will also reduce corruption related to this form of transnational organised crime. Given that the effective implementation of the NISCWT, will depend on the level of resources allocated to its implementation, it is imperative that all relevant government departments, especially the SAPS, elevate this strategy to a level of significant strategic importance.