



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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Dear Mr Scanlon

### **REPORT ON RECOMMENDATIONS ON RHINOCEROS OF THE 65<sup>TH</sup> MEETING OF THE STANDING COMMITTEE OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)**

Your letter dated 22 June 2015 with reference number: GEN/23/06/2015 refers.

Please find attached the report from South Africa in response to the recommendations of the 65<sup>th</sup> Standing Committee of CITES.

Annexure A includes information submitted by South Africa as requested in terms of recommendation b) - measures to improve co-operation with Czech Republic and Viet Nam to ensure rhinoceros trophy hunting is not exploited by criminal groups and is not used to launder rhinoceros horns into illegal trade; and recommendation n) ii) information on the implementation of the strategies and actions developed by the CITES Rhinoceros Enforcement Task Force.

Annexure B contains the joint report, submitted by South Africa and Mozambique, on progress in the implementation of the deliverables agreed between the respective Ministers at the June 2013 meeting, and on progress made in the implementation of the activities agreed at the 4<sup>th</sup> JPCDS meeting, as it relates to rhinoceros poaching and the illegal rhinoceros horn trade.

**REPORT ON RECOMMENDATIONS ON RHINOCROS OF THE 65<sup>TH</sup> MEETING OF THE STANDING COMMITTEE OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)**

South Africa continues to collaborate with key States, including Mozambique and the Socialist Republic of Vietnam, in terms of the Memoranda of Understanding between the countries, to ensure that CITES decisions relating to rhino matters are implemented, as part of the areas of cooperation in terms of biodiversity management. South Africa furthermore remains committed to the implementation of the interventions adopted as part of the 'Geneva Statement on Combating Rhinoceros-related Crimes'.

Yours sincerely



Ms Ndsipho Ngcaba  
Director General

Department of Environmental Affairs

Letter signed by: Dr Moscow Marumo

Designation: Acting Deputy Director General: Biodiversity and Conservation

Date: 31/07/2015



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

### **REPORT ON RECOMMENDATIONS ADOPTED BY THE 65<sup>TH</sup> MEETING OF THE STANDING COMMITTEE OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)**

#### **SOUTH AFRICA**

At the 65<sup>th</sup> meeting of the Standing Committee of CITES (SC65) that took place in July 2014, the Standing Committee adopted the following recommendations on Rhinoceroses related to South Africa (SC65 Com.3):

- "b) invite the Czech Republic, South Africa and Viet Nam each to submit a comprehensive report to the Secretariat, by 31 July 2015, on measures taken, including measures to improve bilateral and trilateral cooperation, to ensure that rhinoceros trophy hunting is not exploited by criminal groups and is not used to launder rhinoceros horns into illegal trade, and to prevent the illegal re-export of rhinoceros horns from the Czech Republic to Viet Nam.*
- g) invite South Africa and Mozambique to jointly submit a comprehensive report to the Secretariat, by 31 July 2015, on progress in the implementation of the deliverables agreed between the Ministers at their June 2013 meeting, and on any progress made in the implementation of the activities agreed at the 4<sup>th</sup> JPCDS (Joint Permanent Commission on Defence and Security) meeting, as it relates to rhinoceros poaching and the illegal rhinoceros horn trade, as described in paragraphs 37 to 38 of the report of the Secretariat (SC Doc. 43.2), for consideration by the Standing Committee at its 66<sup>th</sup> meeting;*
- n) in relation to the CITES Rhinoceros Enforcement Task Force and Decision 16.84 a) and b):*
  - ii) encourage all Parties to provide information on their implementation of the strategies and proposed actions developed by the CITES Rhinoceros Enforcement Task Force at SC66, as requested in the Annex to Notification to the Parties No. 2014/006 of 23 January 2014;"*

Annexure A contains South Africa's report as required in terms of recommendations b) and n) of the Standing Committee.

Annexure B contains the joint report requested in terms of recommendation g).

## ANNEXURE A

### REPORT ON STANDING COMMITTEE RECOMMENDATION b):

***b) Invite the Czech Republic, South Africa and Viet Nam each to submit a comprehensive report to the Secretariat, by 31 July 2015, on measures taken, including measures to improve bilateral and trilateral cooperation, to ensure that rhinoceros trophy hunting is not exploited by criminal groups and is not used to launder rhinoceros horns into illegal trade, and to prevent the illegal re-export of rhinoceros horns from the Czech Republic to Viet Nam***

#### **A. CZECH REPUBLIC**

- i. The Czech Republic's Czech Environmental Inspectorate in the CITES and Biodiversity Department informed the Department of Environmental Affairs in South Africa that they were conducting an extensive investigation regarding the import of rhino hunting trophies and illegal trade with rhino horns connected with these imports. According to the Czech Republic, the trophies that should be kept by the hunters as personal hunting trophies are traded for financial gain, illegally re-exported to Viet Nam or have disappeared.
- ii. Pending the finalization of the investigation being conducted by the Czech Republic, as well as the investigation by national and provincial conservation authorities in South Africa, all applications for white rhinoceros hunting by foreign hunters whose state of usual residence is the Czech Republic are refused. No rhino hunting permits have therefore been issued to foreign hunters whose state of usual residence is the Czech Republic since June 2014. The Department of Environmental Affairs informed the CITES Management Authority of the Czech Republic about the decisions on 3 June 2014. The Department of Environmental Affairs continues to collaborate with the Czech Republic on matters relating to the illegal trade in rhino horn.

#### **B. VIET NAM**

- i. In February 2012, South Africa, through the Department of Environmental Affairs, requested the CITES Management Authority of Viet Nam to conduct inspections and verify that the white rhino trophies exported from South Africa to Viet Nam were still in the possession of the hunters. The CITES Management Authority of South Africa provided the Viet Nam authorities with copies of the CITES export permits issued for the export of white rhino hunting trophies hunted by Vietnamese citizens, to facilitate the process.

- ii. Viet Nam was also requested by the 62<sup>nd</sup> meeting of the CITES Standing Committee to conclude the inspections requested by South Africa to verify the use of rhino hunting trophies at the national level and fully investigate incidents where results of such verifications indicate that individuals are no longer in possession of horns they imported as trophies, and share the results of such investigations with countries where the trophies originated from to ensure that all possible links of the criminal chain can be fully investigated.
- iii. In response to the request from South Africa and the request of the CITES Standing Committee, Viet Nam reported on the outcome of the inspections on the imported trophies in a letter dated 12 September 2013. From the report it is evident that there remain loopholes in the legal system within Viet Nam with regard to the regulation of the imported rhinoceros horn trophies. Viet Nam reported that rhinoceros horn owners are not allowed to sell their rhinoceros horn trophies and that national regulations also prohibit the selling of rhinoceros horn. However, Viet Nam further reported that its national legislation does not make provision for rhinoceros horns that are donated or disposed of as gifts to other persons, since Viet Nam's national civil law determines that the owner of the trophy has the right to decide how to use it. Furthermore, Viet Nam indicated that some hunters cut the rhinoceros horn trophies into pieces to give away to family members or friends as souvenirs after the import of legal hunting trophies into Viet Nam. Some also cut the rhinoceros horns into pieces to make various articles such as lamp bases, bowls or cups. Since a hunting trophy is a personal effect, authorities in Viet Nam find it difficult to control and monitor such articles.
- iv. The 16<sup>th</sup> Conference of Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), adopted decisions relating to rhino matters. This included the decision that Viet Nam should develop legislation on the domestic management of imported rhino horn trophies addressing the issue of alteration and transfer of rhino horn trophies pursuant to the national laws and CITES Resolutions.
- v. Since the CoP16, Viet Nam has implemented a number of initiatives including actions agreed to between South Africa and Viet Nam in terms of the Memorandum of Understanding signed between the two countries. The considerable efforts made by the CITES Management Authority of Viet Nam to improve legislative provisions relating to the regulation of rhino horn; to increase monitoring relating to the import and possession of rhino horn; and to raise public awareness on the protection of rhinoceros is duly noted and valued. Further cooperation and collaboration will however be

required to find appropriate mechanisms to address the low percentage of trophies that remained in possession of the hunters and the alteration of trophies subsequent to the import thereof.

- vi. South Africa therefore requested Viet Nam to consider the development of legislative provisions that makes provision for the control or regulation of rhinoceros horns that are donated or disposed of as gifts to other persons, since Vietnamese national civil law determines that the owner of the trophy has the right to decide how to use it. Furthermore the lack of regulations or sanctions in Viet Nam for individuals who are no longer in possession of their trophies remains a cause of concern, since it is possible that once hunting trophies entered Viet Nam, horns from these legally imported trophies can be laundered into illegal trade.
- vii. In February 2014, the Department of Environmental Affairs informed Viet Nam's CITES Management Authority that it is advisable that the afore mentioned legislative gaps be addressed before a positive recommendation can be made by the National CITES Management Authority to the provincial issuing authorities in South Africa relating to the hunting of white rhinoceros by foreign hunters whose state of usual residence is Viet Nam. South Africa's CITES Management Authority has therefore not issued any rhino hunting permits or export permits for rhino trophies for foreign hunters whose state of usual residence is Viet Nam since 2012. South Africa continues to collaborate and cooperate with Viet Nam to address the concerns relating to rhino hunting trophies as well as other issues relating to the illegal trade in rhino horn.

### **C. CITES MINISTERIAL DIALOGUE AND SENIOR OFFICIALS MEETING FOR KEY STATES CONCERNED WITH THE ILLEGAL TRADE IN RHINOCEROS HORN**

- i. The Minister of Environmental Affairs, Ms BEE Molewa requested the Secretary-General of CITES to facilitate a meeting between the relevant Ministers responsible for the implementation, oversight and enforcement of the CITES from the following countries: People's Republic of China, Czech Republic, South Africa, The Socialist Republic of Viet Nam, and Mozambique to discuss interventions to address rhino poaching, the illegal trade in rhino horn and the abuse of the trophy hunting provisions to obtain rhino horn. It was further recommended that the International Consortium on Combatting Wildlife Crime (ICWC) partners be invited to assist in terms of support for the implementation of measures to be adopted. The Minister wrote to the Secretary-General, on 30 July 2014, formally requesting him to facilitate the meeting. The CITES Secretariat organised the

meeting and the Senior Officials meeting took place on 11 – 12 February 2015. The Ministerial section of the meeting took place on 14 February 2015.

- ii. The following key issues were discussed at the Senior Officials meeting that was attended by officials from China (as observer), Czech Republic, Mozambique, South Africa, Viet Nam and ICCWC partner organisations (CITES, Interpol, United Nation Organisation on Drugs and Crime and the World Customs Organisation):
  - a) Current activities and the strengths and weaknesses of these interventions, including challenges and country specific needs;
  - b) Support available from the ICCWC;
  - c) Case studies and review of best practice activities to build cooperation;
  - d) Priority actions to be implemented in the short and medium term; and
  - e) A Ministerial Statement to be adopted during the Ministerial meeting
- iii. The following link can be used to access details relating to the Ministerial Dialogue and Senior Officials Meeting: [http://cites.org/eng/2015\\_rhino\\_ministerial](http://cites.org/eng/2015_rhino_ministerial)
- iv. The following short-term actions to be implemented within six months were agreed to:
  - a. Develop a Standard Operating Procedure (SoP) on seizure reporting for national rhinoceros focal points and/or relevant national competent authorities, outlining procedures for alerting relevant national and international authorities about seizures and other available associated information, led by the Czech Republic and supported by South Africa on behalf of key States.  
PROGRESS: A draft SOP, which South Africa had been in the process of developing, was sent through to the Czech Republic to support the work they are doing.
  - b. Share information on key smuggling routes and concealment methods among national rhinoceros focal points and/or relevant national competent authorities.  
PROGRESS: Information is shared in the meeting of the National Biodiversity Investigators Forum as well as within the Intelligence Working Group meetings and various provincial joints committee meetings (linked to the provincial Intelligence Coordinating Centres). Further work is planned to strengthen these processes.
  - c. Develop a Standard Operating Procedure for the collection and analysis of samples from seized rhinoceros specimens and the submission of samples or DNA profiles to the RhODIS database in South Africa, led by South Africa on behalf of key States.  
PROGRESS: Although there is an SOP in place within South Africa for the sampling of rhino

DNA (which is normally sent to countries where seizures take place), the DEA and the South African Police Service (SAPS) are in the process of developing a more comprehensive version which can be utilized by other countries where seizures of rhino horn take place. It will include a step-by-step guide to collecting and dispatching the samples, identification of rhino horn and basic principles associated with crime scene management.

- d. Establish a CENcomm closed user group for national rhinoceros focal points and/or relevant national competent authorities, led by the WCO on behalf of ICCWC, and for WCO to provide support as appropriate.

PROGRESS: The CITES Secretariat established a group on CENcomm and information is regularly posted.



**REPORT ON STANDING COMMITTEE RECOMMENDATION n):**

**n) in relation to the CITES Rhinoceros Enforcement Task Force and Decision 16.84 a) and b):**

**ii) encourage all Parties to provide information on their implementation of the strategies and proposed actions developed by the CITES Rhinoceros Enforcement Task Force at SC66, as requested in the Annex to Notification to the Parties No. 2014/006 of 23 January 2014;”**

**1. a) Implement programmes to build the capacity of national agencies responsible for wildlife law enforcement to target criminal groups involved in rhinoceros poaching and illegal rhinoceros horn trade through risk profiling, intelligence-driven investigations and other investigation techniques, as appropriate;**

**i. Illicit trade in Endangered Species training**

The roll-out of a national training and awareness programme on the Illicit International Cross Border Movement of Endangered Species commenced in October 2014 led by the Department of Environmental Affairs (DEA) with the support and collaboration of the National Border Management Coordinating Committee (NBMCC) and the provincial Border Control Operational Coordinating Committees (BCOCC). A number of role-players received and will still receive this training, among others, the South African Police Service (SAPS), South African Revenue Service Customs (SARS Customs), SAPS Border Police, Department of Agriculture, Forestry and Fisheries, various Airlines and the Airports Company of South Africa.

**ii. SARS Customs Dog Detector Unit (DDU)**

DEA is assisting the SARS Customs DDU with samples of targeted species to train their dogs. DEA is also providing training on an ongoing basis to the dog handlers on how to identify endangered species and what to look out for when detecting illicit trade in wildlife.

**iii. Biodiversity (Rhino) Crime Scene Management Training Course**

As part of the Global Environmental Facility (GEF) Rhino Project titled: *Strengthening Law Enforcement Capabilities to Combat Wildlife Crime for Conservation and Sustainable Use of Species in South Africa (target: rhinoceros)*, the first of four EMI Biodiversity Crime Scene Management Training courses was presented in November 2014 in Kruger National Park. DEA is managing this project and in support of the GEF project principles, DEA aimed to use the course as a means of strengthening the relationship between the Environmental Management Inspectorate (EMI) and the SAPS. This objective proved to be

successful as officials shared their respective skills and knowledge with one another for the duration of the course. The next course will take place in September 2015 and it should be noted that these courses and other material will be captured on a training DVD (including a rhino necropsy) as part of the Rhino GEF Project.

The training strives to provide investigators with an intense hands-on experience that exposes attendees to theoretical and practical aspects on the proper investigation and management of rhino poaching crime scenes. Attendees were afforded the unique opportunity to practice their new found skills on recently processed carcasses of poached rhinos. Although this type of first-hand experience was ideal from a practical learning modality, it also proved to be a double-edged sword for many attendees, who, although they found it an emotionally draining exercise, they also found renewed motivation in their efforts to battle rhino poaching. The course covered in principle three main topics:

- General crime scene processing theory in relation to the Criminal Procedure Act;
- Proper collection and submission of Rhino DNA collected from a crime scene;
- Proper collection of flora and fauna exhibits in support of the DNA sequencing (Barcode of Wildlife) project.

#### iv. DNA sampling training for Rhino Range States

The main objective of the training workshop which took place in November 2013 in South Africa with support and funding from the CITES Secretariat (lead) and ICCWC Partners was to enhance capacity of law enforcement officers to detect and counter the illegal trade in rhino horn and to increase capacity of law enforcement officers working along borders to effectively detect, investigate and prosecute offenders. The main activity was the identification of rhino horn, DNA sampling training and crime scene investigation training. One law enforcement officer from the each of the 10 African rhino range states namely Botswana, Kenya, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Uganda, Zambia, Zimbabwe as well as Viet Nam, China and 3 SANParks officials attended the training.

#### v. Training for Magistrates and Prosecutors

Training of Prosecutors takes place in South Africa on a regular basis. The relationship between the DEA (on behalf of the Environmental Management Inspectorate) and Justice College entered its 9<sup>th</sup> year of collaboration in the 2014/15 financial year. This resulted in a workshop titled "Prosecuting Environmental Crime" being presented to prosecutors. The initiative focused on providing prosecutors with an overview on all relevant environmental legislation, as well as establishing a platform for EMIs to highlight practical

challenges experienced in the enforcement of environmental legislation (also see further information under item (I) below).

vi. SAPS Stock Theft and Endangered Species Detective training programme

The SAPS Training Division has with the assistance of DEA and various other stakeholders developed a curriculum and initiated a pilot for three weeks during June/July 2015 in order to roll out a training programme on endangered species within SAPS. The newly developed SAPS Stock Theft and Endangered Species Detective training programme will ultimately reach 4500 detectives within the next year. This Unit is now responsible for investigating endangered species cases relating to Levels 1 and 2 with the focus currently on rhino.

vii. Road Traffic Management Corporation (RTMC)

DEA is also collaborating with the RTMC in order to increase their awareness on endangered species smuggling, specifically for detection of endangered species on South African roads, with an estimated 19 000 traffic officers to receive such training.

**b) Increase their use of existing forensic technology and seek resources for the collection and submission of samples from all seized rhinoceros horns to designated accredited forensic laboratories;**

The RhODIS system is used in South Africa and the DEA currently funds the Veterinary Genetics Laboratory (VGL) of the University of Pretoria in relation to the Rhino DNA analysis undertaken for all crime scenes in South Africa as well as for seized DNA samples sent back for analysis to SA after seizure in other countries. A Memorandum of Agreement will be signed shortly between the DEA and VGL in relation to the funding that will be provided through the GEF Rhino Project which will increase the capacity of the VGL to analyse rhino DNA, assist with updates to the database and IT services, cover the costs of the routine sample analysis and enable accreditation of the laboratory.

Work is also being undertaken with the SAPS Forensic Science Laboratory (FSL) which has, due to the collaboration with DEA through the GEF Rhino Project, been granted permission to increase their internal capacity to analyse samples associated with endangered species through the establishment of a new Environmental Forensics Section. FSL is also starting a project to look into the possibility of collecting human touch DNA from illegally killed rhino carcasses under the GEF Rhino Project.

South Africa also participates in The Barcode of Wildlife Project, which is using DNA barcodes to identify species from minute samples in the investigation and prosecution of wildlife crimes. There are now three laboratories in South Africa that will be able to provide an initial indication on the identification of endangered species based on sequencing, which would result in these samples being submitted to VGL for analysis if the indication is that the samples/specimen could be rhino.

In relation to forensic-related equipment four 4x4 Mobile Forensic Units were purchased using through the GEF Rhino Project and handed over to four EMI institutions to assist in the investigation of rhino poaching and wildlife crime to the North West province, Limpopo province, Mpumalanga province and the Kruger National Park. These trailers were equipped with, amongst others, generators, mobile fridges in which to store genetic material, metal detectors, electronic calipers, scales and knife sharpeners. The trailers assist with the effective management of crime scenes, particularly in outlying areas where the correct equipment required for on-scene forensic investigations are not readily available. Ezemvelo KZN Wildlife and Free State provinces also received a similar trailer through a donation of the US Department of State.

**c) Implement programmes to build the capacity of national agencies responsible for wildlife law enforcement to conduct anti-money laundering investigations and to identify suspicious transactions, to ensure that criminals do not benefit from the proceeds of their crimes, to uncover the criminals who are organizing the poaching and illegal trade, and to bring them before the courts;**

Although no capacity building programmes took place as such, meetings have been held where the issues above have been discussed with among others the Financial Intelligence Centre and various other financial institutions in South Africa.

Please note that in South Africa and specifically in wildlife cases, a single offence can often give rise to charges under a number of different pieces of legislation including biodiversity, criminal procedure, firearms, prevention of organised crime as well as common law offences such as trespassing, murder, unlawful break in and malicious damage to property. In terms of the Proceeds of Crime Act (POCA), an application can be made to declare any benefit derived from, or proceeds of crime, forfeited to the state. In addition, and in terms of section 34 of National Environmental Management Act, upon conviction the court can (in addition to a fine and/or imprisonment) enquire into the monetary value of any advantage gained or likely to be gained by that person in consequence of that offence and order that this amount be

paid to the state. Vehicles and other property used in the commission of an offence can also be in appropriate circumstances be forfeited to the state.

**d) Implement measures that will facilitate contact between national agencies responsible for wildlife law enforcement and their designated national competent authority for the United Nations Convention against Transnational Organized Crime (UNTOC), for guidance on the tools and services provided by UNTOC that could be deployed to combat illegal rhinoceros horn trade**

The DEA still need to pursue this and develop it further with the appropriate stakeholders.

**e) Implement measures that will facilitate contacts between national agencies responsible for wildlife law enforcement and their designated national competent authority, to promote the use of formal requests for Mutual Legal Assistance (MLA) to obtain evidence located in one country to assist in criminal investigations or proceedings in another country)**

The DEA together with the National Prosecuting Authority has already made contact with officials in the Department of Justice and Constitutional Development to establish the processes for formal requests for MLA's.

One MLA was executed with Hong Kong regarding a seizure of rhino horn and elephant ivory. Unfortunately this is a very long process, which took more than a year to complete and is not very efficient. South Africa also provided information to the Czech Republic and the United States of America in terms of MLA's related to rhino investigations.

**f) Raise awareness of the strategic and operational law enforcement Decisions on *Rhinoceroses (Rhinocerotidae spp.)* adopted at CITES CoP16 (Decisions 16.84 to 16.92), amongst all national law enforcement agencies, to facilitate the full implementation of these Decisions**

Awareness raising of these decisions was done through two local committees which involves permit as well as enforcement officials. The first is the Permit and Enforcement Planning Committee which takes place 3 times a year as well as the National Biodiversity Investigators Forum which meet twice a year.

**g) Increasingly draw upon the comprehensive INTERPOL global databases on names of individuals, fingerprints, DNA, firearms, identification and travel documents, and in particular INTERPOL Notices, to combat transnational organized crime syndicates involved in rhinoceros poaching and illegal rhinoceros horn trade**

All EMI's dealing with biodiversity issues have been introduced to the INTERPOL global database by the local NCB office. Presentations have been made at strategic meetings and officials are aware of the information that they can draw from the INTERPOL global databases.

Numerous requests for assistance have also been sent to INTERPOL (eg. assistance with sampling of rhino DNA, request for information (all rhino horn seizures over the last 3 years, etc) – there have unfortunately been challenges in relation to the way systems are set up; the priorities in relation to other projects and the inability to share certain information that would allow for analysis to be undertaken.

**h) As appropriate, encourage national agencies responsible for wildlife law enforcement to engage with their INTERPOL National Central Bureau (NCB) and apply to gain direct access to the INTERPOL I-24/7 global communication system and databases. INTERPOL is focusing on extending access to its services beyond the NCB and out to frontline officers;**

Engagement with our local INTERPOL NCB takes place on a regular basis. In June 2014 various government departments met in Kruger National Park for the first INTERPOL National Central Bureau (NCB) Pretoria, Interdepartmental Environmental Crime Forum which was organized by DEA. The purpose of the meeting was to provide officials from other government entities with a better understanding of the role and functions of the Department of Environmental Affairs; as well as to establish better working relationships between the different entities; and to understand the role that INTERPOL plays in the fight against environmental crime; with a focus on wildlife crime including rhino poaching. More specifically, the programme included:

- Presentations on setting the South African scene and highlighting opportunities and challenges with a focus on the international fight against environmental crime;
- A presentation on Interpol's role and support; including a consideration of the progress in respect of key resolutions adopted during the November 2013 INTERPOL events; and
- Focused discussions on strengthening inter-agency cooperation and collaboration, specific roles and responsibilities, sharing and analysing intelligence, as well as capacity building opportunities.

The meeting was well attended by those involved in the investigation of trans-boundary criminal activity. These were, DEA, South African Revenue Service's Customs, the South African Police Service (HAWKS / DPCI), the Department of Agriculture Forestry and Fisheries (Fishery Control Officers), as well as SANParks. With the focus on Interpol and its role in the fight against environmental crime, international guest speakers included David Higgins (Head of Environmental Security Sub-Directorate – Lyon, France), Deon Burger (Environmental Crime Programme – Lyon, France) as well as Captain Jacques Meyer from the Pretoria INTERPOL NCB office. On the final day of the meeting attendees drafted a detailed action plan that focussed on six key actions detailing responsibilities, timeframes and rigid progress monitoring. With regard to the implementation of the action plan, communication has been strengthened and awareness raising has been done to explain the use of the Interpol eco-message to EMIs, SAPS detectives and prosecutors during various training initiatives. Enforcement officers are encouraged to complete Eco-messages on an on-going basis. South Africa actively participate in global and regional INTERPOL operations relating to the environment and in particular the illegal trade in wildlife. INTERPOL NCB staff has been invited to participate in the National Biodiversity Investigators Forum and they are actively participating in this meeting.

Despite a number of requests being made to apply to gain direct access to the INTERPOL I-24/7 global communication system and databases, the NCB office has not been keen to allow this.

**i) Implement programmes to enhance awareness amongst judges and prosecutors of the serious nature and economic, social and environmental impacts of illegal trade in wildlife, in particular rhinoceros poaching and illegal rhinoceros horn trade;**

The DEA, on behalf of the Environmental Management Inspectorate, entered into a collaborative agreement with Justice College in relation to the planning and presentation of a course known as "Prosecuting Environmental Crime". The course has been made part of the formal Justice College training programme and has been in place since 2005, with 2 courses being presented per annum, and covers a range of environmental legislation including focus on rhinoceros poaching and illegal horn trade. Apart from the annual programme the DEA in collaboration with the National Prosecuting Authority Human Resource Development (NPA HRD) also presents ad hoc courses that are known as "Advanced" environmental prosecutor training". These courses focus on very specific topics relating to environmental crime. Examples of these would be the "Waste and Pollution Advanced Prosecutor Training", as well as the "Biodiversity Crime Prosecutor Training" and presented on average every year and a half. The DEA in

collaboration with the NPA HRD is currently in the process of arranging another "Biodiversity Crime Prosecutor Training" course for 120 prosecutors across South Africa during the month of November 2015 that will focus on rhinoceros poaching and associated smuggling of horns, as well as other endangered species commodities illegally traded with. On a similar scale the DEA (on behalf of the EMI) is in collaboration with the South African Judicial Education Institute (SAJEI) in relation to awareness raising initiatives, again both introductory and advanced, for Judicial officers in South Africa. Again as an example the DEA in collaboration with SAJEI will be presenting an "Biodiversity Crime Colloquium" for 150 Judicial officers during the month of August 2015, with the focus on rhinoceros poaching and the illegal horn trade as well as other endangered species commodities being illegally traded with.

**j) When appropriate, use bilateral agreements on mutual administrative assistance in Customs matters to facilitate investigations into illegal rhinoceros horn trade;**

There is a good relationship between Customs and DEA EMI's officials and a formal Memorandum of Understanding (MoU) on making small quantities of rhino horn and elephant ivory available to Customs to train their dogs to identify these is being discussed. A draft MoU has been sent to Customs and DEA is awaiting comment from them to finalise the document. EMI's at OR Tambo International Airport work hand in hand with Customs officials to detect of illegal wildlife consignments, especially rhinoceros horn.

South Africa also collaborates with officials from the World Customs Organization (WCO) and participates in WCO operations and initiatives (such as Project Inama).

**k) Implement measures to monitor the activities of auction houses, auctioneers and the antiques trade, as appropriate, to prevent the illegal trade in rhinoceros horns;**

This has not been done in a formal project manner but individual EMI's are looking at internet trade. DEA is considering the development of a training programme together with TRAFFIC and the need to focus on how the internet is utilised and aspects of cybercrime have been highlighted to be included in this programme.

**l) Develop a media strategy to ensure that, when a seizure of rhinoceros horn is made by a country, all relevant information is shared with the countries of origin, transit and destination of the seized specimens for follow-up investigations to be conducted, before information on the seizure is released to the media. The release of seizure information to the media should as far as**



**possible be coordinated with the countries of origin, transit or destination that engage in follow-up investigations, to ensure that ongoing investigations are not jeopardized;**

The DEA has developed a media strategy on illegal killing of rhino and the illegal trade in rhinoceros horns. The Departmental media strategy is being implemented, and communications is coordinated with law enforcement units where necessary. The Department in collaboration with national, regional and internal partners/entities communicates arrests, confiscations, convictions and cross-border successes. A joint communications strategy, incorporating the Departments of Environmental Affairs, Justice and Correctional Services and Defence, as well as the SA Police Service and SANParks has been compiled and is being implemented by these sister departments, as well as the South African Revenue Service which is involved in the confiscation of illicit wildlife products, such as rhino horn, ivory, abalone and pangolin scales.

SAPS and the DEA are currently working on a Standard Operating Procedure in relation to the handling of seized items, collection and analysis of rhino DNA (which includes how this would be done in other countries where seizures take place and the submission of such samples / profiles). DEA has also sent a draft document through to the Czech Republic which they can utilise in the development of the SOP for seizure reporting.

Seizures of rhino horn specimens are not reported through the INTERPOL channels, and we currently having to rely on individual contacts that we have in relevant counties often through the CITES management authority or alternatively on media reports (which we then follow up with the relevant country's authorities).

**m) Examine how new technology such as the e-RhODIS mobile application can be used in support of efforts to combat rhinoceros poaching and illegal rhinoceros horn trade;`**

EMI's in South African National Parks and provincial conservation authorities currently use the e-RhODIS mobile applications at Rhinoceros crime scenes and for the registration of rhino horns (the information relating to the registration of rhino horns is migrated from the RhODIS database into the government national database). Wider application is not possible at this stage due to the fact that the RhODIS database is not hosted on a government server.

There are various on-going research projects in South Africa looking at new technology to support efforts to combat the illegal killing of rhinoceros, such as the use of unmanned aerial vehicles, tracking devices and field communications technology.

**n) Implement programmes to combat corruption**

In general, government departments and parastatal institutions such as South African National Parks, and other provincial Tourism and Parks Boards involved with enforcement of wildlife crimes such as illegal killing of rhinoceros and illegal trade in rhino horn, require officials and EMI's to undergo security clearance from the State Security Agency. There are government Departments that have specific programmes to combat corruption but the DEA does not have such a program yet.

**o) Encourage the use of tools and capacity building materials provided to the law enforcement community through the CITES Virtual College, as part of training interventions for national law enforcement authorities, in particular the “Training course for enforcement officers and information module for prosecutors and the judiciary” and the “Introduction to CITES for Customs” courses, as well as other law enforcement material such as the Wildlife Smuggling Concealment case study handbook, the Questioning Wildlife Smugglers handbook, the Arguments for Prosecutors of Environmental Crimes handbook and others;**

The DEA is constantly encouraging EMI's, Customs and SAPS officials to make use of the tools available to them. The Directorate EMI Capacity Development and Support in the Branch: Legal Authorizations, Compliance and Enforcement which is responsible for compliance and enforcement training and capacity building uses some of the tools mentioned in their training programs which is regularly presented. However the DEA will make formal contact with the Secretariat to ensure that we make full use of these programmes, especially the e-learning programs.

**p) As appropriate, engage with universities and academia to conduct analytical research on rhinoceros poaching and illegal rhinoceros horn trade, in support of the development of appropriate law enforcement responses.**

As the illegal killing of rhinoceros and the subsequent illegal trade in rhinoceros horn has been declared as a “priority crime” in South Africa there is great interest from students and academia to do research in order to find a solution to the illegal killing and trade and many research projects are currently being undertaken. Some of the donor funds that were received by South African National Parks as well as

some provincial conservation authorities is being directed towards research specifically on new technology which can be used in the combatting of illegal killing of rhinoceros. These include among others the piloting and evaluating of Unmanned Aerial Vehicles (UAV's) as instruments in rhino protection efforts under a range of operational conditions by the SANDF, SANParks and the CSIR. This is subject to finalisation of arrangements with the Department of Transport.

**2. a) Consider the development of appropriate cooperation mechanisms to increase international cooperation, for example Memoranda of Understanding (MOUs), and initiate targeted intelligence-driven bilateral, trilateral, sub-regional, regional or international operations when illegal rhinoceros horn trade routes and trends are identified;**

The DEA already concluded MoU's with the following countries:

- a. the Socialist Republic of Viet Nam,
- b. The People's Republic of China,
- c. Mozambique
- d. Cambodia

In addition to the various country visits that have been undertaken in relation to the Vietnamese MOU, South Africa provided Vietnamese authorities with rhino DNA forensic kits to facilitate the collection of DNA samples from confiscated rhino horns. There have, however, been some challenges in relation to the way in which these samples have been collected and the chain of custody process needed in order for the analysis of the samples to be admissible as evidence in court. South Africa also requested permission for a DEA official to be allowed to take the rhino DNA samples during the last partnership meeting in Viet Nam in June 2015 (which would have also created an opportunity to provide additional training to Vietnamese officials). This request was not favourably received and further engagements will need to take place in order to deal with the challenges related to rhino DNA collection in Viet Nam.

Rhino DNA samples have been collected in Mozambique on two separate occasions by South African officials at the invitation of the Mozambique authorities. These samples have been analysed by VGL and some links to poached rhino cases were identified. There is a good communication channel that has now been established between the DEA (Enforcement), the Administração Nacional das Áreas de Conservação (ANAC) and SAPS in relation to the sampling of rhino DNA.

MOUs are also being discussed with Thailand, Lao's People Democratic Republic, Kenya and Botswana. These MoUs include various areas of cooperation with a focus on biodiversity management, planning and conservation, compliance and enforcement of biodiversity related legislation, the implementation of multi-lateral environmental agreements, and skills development.

**b) In accordance with relevant legislation regulating the exchange of information and national protocol, appoint a national focal point for matters related to the illegal trade in rhinoceros horn to facilitate increased collaboration and timely communication.**

A national focal point has been appointed as requested and is active in collaborating both nationally as well as with CITES Parties where seizures of rhinoceros horns take place.

**c) Gather information and intelligence to identify the most wanted criminals implicated in illegal rhinoceros horn trade at the national level, and to target them through intelligence-led enforcement action;**

Through the intervention of the Priority Committee on Wildlife Crimes of the National Joint Operational and Intelligence Structure in South Africa (NATJOINTS) which reports to the Justice Crime Prevention and Security cluster in the South African Cabinet, an Intelligence Working Group (IWG) co-ordinated by the National Intelligence Coordination Committee (NICOC), has been established. Affected departments with an intelligence mandate are represented within the IWG and work is on-going. Monthly meetings take place and continuous risk assessments are undertaken. The Intelligence Co-ordinating Centres (ICCs) within the provinces are set up to feed information and intelligence through to this structure, although a number of challenges exist that impact on the effectiveness of this flow of information.

A multi-agency strategy is currently being developed which will also focus on how to strengthen these structures and ensure that the information is collected centrally and analysed, so that resources can be deployed correctly and operational decisions are based on actionable intelligence.

**d) Identify the most prominent national ports of entry and exit used by criminal groups associated with rhinoceros poaching and illegal rhinoceros horn trade, and engage with port authorities to increase enforcement efforts at such ports;**

EMI's have been deployed at OR Tambo International Airport in Johannesburg which is the largest airport in South Africa and accounts for a high percentage of the legal CITES trade. The deployment will be extended to other designated ports. Joint operations are also being implemented at various ports and other high risk areas.

A process was recently initiated to do a threat assessment that will specifically focus on the illegal wildlife trade and identify the high priority ports of entry and exit. This will guide future deployment of resources and enable the prioritisation of the training programme mentioned in 1(a) above.

**e) Engage with airport security companies, airlines, shipping companies and other relevant bodies operating at national ports of entry and exit to identify activities conducted by such companies that could support enforcement efforts, for example baggage screening;**

This is currently being done at certain designated ports but more work is needed in this regard.

**f) Continuously analyse all available data to identify changes in the *modus operandi* of organized crime groups involved in rhinoceros poaching and illegal rhinoceros horn trade, or changes in the illegal trade routes used for such trade, and adjust national law enforcement responses as required. Identified changes in *modus operandi* and illegal trade routes should also be brought to the attention of the CITES Secretariat, to enable it to prepare CITES Alert Messages for distribution to the law enforcement community, to alert them with regard to new *modus operandi* and illegal trade routes in a timely manner;**

See response to (c) above. Although some analysis is taking place through the IWG and provincial ICCs, challenges will be addressed through recommendations and actions emanating from the strategy currently under development.

**g) Implement legislation and enforcement controls to prevent horns that are part of legally acquired trophies from being used for purposes other than hunting trophies, and to ensure that these trophies remain in possession of their owners for the purpose indicated in the CITES export permit;**

South Africa has implemented a national system of approving rhinoceros hunts and hunts are recommended by the DEA only if the hunters fulfil the requirements as a *bona fide* hunter and if the

CITES authorities of the country of usual residence of the hunter confirms that the information supplied by the hunter in his/her application is correct. DEA has also decided not to allow hunters from the Czech Republic and Viet Nam to hunt rhinoceros in South Africa unless there is national legislation in these two countries, which will regulate the use of the horn in those countries. Hunting applications are being monitored to ensure that there is no repeat of the earlier misuse of the permitting system to obtain legally hunted rhino horn trophies for the illegal market.

**h) Consider conducting study visits between countries when significant volumes or trends of illegal trade in rhinoceros horns between such countries are identified. The secondment of law enforcement officers to identified countries or regions should also be considered.**

DEA has hosted officials from Viet Nam, Tanzania and Mozambique while SARS Customs hosted officials from Hong Kong on study visits, however, there is also a need for South African officials to visit countries as South Africa could gain a lot of experience and knowledge if our officials can visit countries with the same or different systems to experience first-hand how it is done elsewhere.

**3. The Czech Republic, South Africa and Viet Nam should take immediate action to increase their bilateral and trilateral cooperation, taking into consideration ongoing initiatives such as the MoU between South Africa and Viet Nam. Such efforts should ensure that exports of rhinoceros horns from South Africa to the Czech Republic are legal, and prevent the illegal re-export of horns from the Czech Republic to Viet Nam.**

The DEA has made a decision not to allow hunters from the Czech Republic and Viet Nam to hunt rhinoceros in South Africa unless there is national legislation in these two countries which will regulate the use of the horn in the countries. Formal communication in this regard was sent to the countries and feedback was also received on the decision. In relation to Czech Republic, hunting by Czech nationals will also not be permitted until the investigations into the misuse of the permit system has been finalised in both the Czech Republic and South Africa.

South Africa supplied information on rhino hunts to the Czech Republic to assist them with their investigation and the problem has not occurred in South Africa since the hunts from Viet Nam and the Czech Republic have been stopped.

## ANNEXURE B

### JOINT REPORT: SOUTH AFRICA AND MOZAMBIQUE



#### REPORT ON STANDING COMMITTEE RECOMMENDATION g)

***g) invite South Africa and Mozambique to jointly submit a comprehensive report to the Secretariat, by 31 July 2015, on progress in the implementation of the deliverables agreed between the Ministers at their June 2013 meeting, and on any progress made in the implementation of the activities agreed at the 4<sup>th</sup> JPCDS (Joint Permanent Commission on Defence and Security) meeting, as it relates to rhinoceros poaching and the illegal rhinoceros horn trade, as described in paragraphs 37 to 38 of the report of the Secretariat (SC Doc. 43.2), for consideration by the Standing Committee at its 66<sup>th</sup> meeting;***

#### i. MOU & IMPLEMENTATION PLAN

- The Governments of Mozambique and South Africa signed a Memorandum of Understanding on Cooperation in the Fields of Biodiversity Conservation and Management on 17 April 2014 in Skukuza, Kruger National Park. The MoU was ratified on the 10<sup>th</sup> of June 2014 by the Mozambican Government and communicated to South Africa through a *note verbale* on the 14<sup>th</sup> of July 2014. The MoU is aimed at promoting cooperation between the parties in the field of biodiversity management, conservation and protection, law enforcement, compliance with CITES, and other relevant legislation and Conventions on the basis of equality and mutual benefit in an effort to strengthen the combating of rhino poaching as well as law enforcement. It was during the signing ceremony were both ministers announced that the officials from both countries will meet to discuss the Implementation Plan.
- Several consultations took place between both countries and the Implementation Plan was signed by Mozambique at the Director General level during the South African state visit to Mozambique in May 2015. The Director General of South Africa was not present during the state visit therefore the document is still being processed and will soon be signed.
- Currently a 2015/2016 Action Plan outlining specific projects that require short term attention has been developed between during the officials meeting in May 2015 in Maputo, Mozambique. It

was during this meeting that the Terms of Reference for the Joint Committee as required in the Article 5 of the MoU were developed. Both documents are in the final consultation phase before being signed off by the focal points.

- Mozambique signed a MoU with the United Republic of Tanzania and, is also in the process of negotiation of a MoU with the Republic of Viet Nam. The main objective of these memorandums is to coordinate efforts on control of poaching and fauna trafficking.

ii. DELIVERABLES AGREED ON BY MINISTERS IN JUNE 2013, INCLUDING:

- a. Establishment of Joint Law Enforcement operations in the Greater Limpopo Transfrontier Park (GLTP).

PROGRESS: Joint Law Enforcement Operations have been established in the Greater Limpopo Transfrontier Park (GLTP) between two countries.

- b. The mobilization of resources to conduct these operations.

PROGRESS: Some of the resources for the joint operations are mobilized through the Rhino Protection Programme. The Rhino Protection Programme is facilitated by the Rhino Protection Steering Committee which is chaired by the Department of Environmental Affairs. Other members of the committee are Peace Parks Foundation, Ezemvelo KZN Wildlife and South African National Parks. The Committee is responsible for, amongst others, facilitating the utilization of the donations from the Dutch Postcode Lottery, Swedish Postcode Lottery and numerous private donors. One of the projects conducted under the Rhino Protection Programme is the collaboration between the government of Mozambique, Joaquim Chissano Foundation and Peace Parks Foundation, which strengthened Mozambique's efforts to combat wildlife crime by supporting the development of dedicated anti-poaching operations in and around Limpopo National Park. The project makes provision for the upgrading of field communications technology used by rangers, as well as shared radio communications systems across the international border. The agreement further includes providing training and equipment to rangers and improving rangers' working conditions within Limpopo National Park, which abuts Kruger National Park. Together the two parks form a core component of the Great Limpopo Transfrontier Park. An essential component of this project entails supporting the judicial system in Mozambique to effectively implement the new Conservation Areas Act that will bring about much stiffer penalties for anyone involved in illicit wildlife product trafficking.

- c. Interventions aimed at creating sustainable jobs and improving livelihoods for local communities within the GLTP area



PROGRESS: Both countries have established a team that is undertaking an investigation into the socio-economic conditions of the communities around the GLTFCA, with special focus on the communities affected by the resettlement, and a GLTFCA Livelihoods Diversification Strategy will be drafted upon the completion of the investigation. During the Ministerial bilateral held on 30 March 2015, one of the resolutions by the Ministers was that the resettlement of communities out of the Mozambican component of the Park remains a priority and must be carried out in such a way that it creates an opportunity for communities to benefit from translocation and ownership of game and other cross border tourism activities. Total of 400 families are already resettled in Massingir Velho, Nanguene and Macavene Villages;

iii. RECOMMENDATIONS MADE AT THE 4<sup>TH</sup> JPCDS MEETING BETWEEN THE TWO COUNTRIES FROM 10 - 14 SEPTEMBER 2013:

- a. The urgent formation of a joint technical team comprising police, defence, immigration, State security and environmental affairs, to develop a strategy and implementation plan to deal with all crimes carried out along the common borders of the two countries, and that this strategy and implementation plan include actions to deal with the illegal killing of rhinoceros and the subsequent illegal trade in rhinoceros horn.

PROGRESS: The Public Security Committee of the JPCDS recommended that the joint operations should be continued for the purposes of combating poaching. Joint operations involving the Security Cluster are some of the other regular activities that occur between the Kruger National Park (KNP) and the Limpopo National Park (LNP). The formal cooperation agreement between the police forces of Mozambique and South Africa to facilitate the effective implementation of Operation Lebombo has not yet been signed. The security cluster also forms part of the implementation of a cross-border protocol to facilitate movement of officials across the international boundary and joint training of rangers from each of the GLTP partner countries is conducted periodically. Mozambique created the Anti-poaching Working Group, for the effective implementation the program to combat the illegal exploitation of natural resources in Mozambique. The Working Group is composed of representatives from the following Ministries: Agriculture and Food Security, Culture and Tourism, Defence, Interior, Mining Resources, Economy and Finance and the Ministry of Sea, Interior Water and Fisheries. In this context, 1 500 environmental police officers were recruited, trained, equipped and deployed on the ground. The results of this force has been observed and witnessed with various seizures that have been made in Mozambique.

- b. Both countries agreed to formalize the training of Mozambican Judiciary and State Law Advisors by concluding a MoU on legal cooperation.

PROGRESS: This is work in progress under the Rhino Protection Programme.

- c. South Africa submitted draft treaties on extradition and Mutual Legal Assistance in criminal matters to Mozambique for comments.

PROGRESS: This is in progress; the Mozambique Parliament approved the new Penal Code that will facilitate the process.

#### iv. OTHER

- a. Training of field rangers from LNP

PROGRESS: As mentioned above, one of the projects conducted under the Rhino Protection Programme is the collaboration between the government of Mozambique, Joaquim Chissano Foundation and Peace Parks Foundation, which strengthened Mozambique's efforts to combat wildlife crime by supporting the development of dedicated anti-poaching operations in and around LNP. The project makes provision for the upgrading of field communications technology used by rangers, as well as shared radio communications systems across the international border. The agreement further includes providing training and equipment to rangers and improving rangers' working conditions within LNP, which abuts KNP. In addition, a new Police Unit for Natural Resource and Environmental Protection consisting of 1500 have been established, 150 deployed along the GLTFCA borderline and joint law enforcement activities are underway.

- b. Collection of DNA samples for forensic analysis from rhino horn confiscated in Mozambique

PROGRESS: Mozambique collected and inventoried samples of 717 ivory pieces and 85 rhino horn pieces for DNA analysis. This is the main government-held ivory and rhino horn stockpile in Maputo.

South Africa has collected rhino DNA samples from specific seizures. A protocol is currently being developed by the South African authorities to ensure better coordination when seizures are reported and the need arises for samples to be taken. This will then be shared with Mozambique to see if a similar protocol will assist to strengthen their internal co-ordination. From the analysis that has already been undertaken in relation to the samples brought back to South Africa, a number of links to poaching scenes in South Africa can be established.