

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November -1 December 2017

UPDATE OF SOUTH AFRICA RELATED TO DOCUMENT SC69 DOC. 29.3

This information document has been submitted by South Africa in relation to agenda item SC69 Doc. 29.3 on *National ivory action plans process*.*

Background

During the postal procedure on the National Ivory Action Plans Process (NIAPs) that followed CoP17, the Standing Committee agreed that South Africa should not be included in the NIAP process. The Secretariat however noted a number of on-going and planned activities and initiatives that were outlined in the additional information provided by South Africa pursuant to Step 1 b) of the Guidelines.

The Secretariat highlighted these to the Standing Committee and indicated that it would, in accordance with Resolution Conf. 10.10 (Rev. CoP17), engage directly with South Africa on these activities, as appropriate.

Subsequently, in accordance with the provisions of paragraph 9 of Resolution Conf. 10.10 (Rev. CoP17), the Secretariat wrote to South Africa on 29 May 2017, inviting South Africa to provide the Secretariat with a report on any further measures taken to combat illegal trade in ivory, including updated information on the following activities and initiatives outlined in the additional information provided by South Africa during the postal procedure:

- a) the approval of the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) by all government structures;
- b) continued efforts to address domestic illegal trade in ivory, in particular any targeted operations in the Johannesburg area, identified as the area most affected by this illegal trade in the report provided by South Africa, including information on any arrests, prosecutions and penalties imposed in the period starting from CoP17;
- c) the establishment of a new Border Management Agency in South Africa; and
- d) improved reporting to ETIS.
- e) poaching of 46 elephants in the Kruger National Park in 2016 as reported by the Minister.
- f) other general initiatives – for enforcement and anti-poaching.

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

South Africa provides the following information relating to the afore mentioned activities and initiatives:

a) In terms of the approval of the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) by all government stakeholders (security cluster)

The National Integrated Strategy to Combat Wildlife Trafficking is still subject to a socio-economic impact assessment and will be considered by the Justice, Crime Prevention and Security Cluster and Cabinet as soon as the assessment has been finalised. Certain aspects / elements of the strategy aligned to the Integrated Strategic Management Approach to rhino management, approved by Cabinet in 2014, are already being implemented.

b) Continued efforts to address domestic illegal trade in ivory, in particular any targeted operations in the Johannesburg area, identified as the area most affected by this illegal trade in the report provided by South Africa, including information on any arrests, prosecutions and penalties imposed in the period starting from CoP17;

Prosecutions and penalties for 2016 and 2016

2016:

- STATE VS TIANGHOA YANG. Charges: Section 57(1) of the National Environmental Management Biodiversity Act (NEMBA). Sentence: R 6 000 or 3 years imprisonment suspended for 5 years.
- STATE VS TI MOSEKWANE; WINBURG CAS 17/5/2016. Charges: Section 57(1) of the National Environmental Management Biodiversity Act (NEMBA). Accused was sentenced to 5 years imprisonment of which 3 years were suspended for 4 years.
- STATE VS MOHAMMED ALI AND 2 OTHERS; CAPE TOWN CAS 706/01/16 - Charges: Contravention of section 42(1)(b) of Ordinance 19 of 1974. Accused 3 pleaded guilty in terms of S112 on the main count. He was sentenced to a fine of R 4 000 or 12 months imprisonment and a further 3 years direct imprisonment wholly suspended for 5 years.

2017:

- STATE VS ARLINDO MALULEQUE, CASE RM15\17, SASELAMANI CAS 18\07\2016 – Charges: Contravention of the provisions of section 43(2)(a) of the Limpopo Environmental Management Act 7 of 2003. The court sentenced the accused to a R 30 000.00 fine or 5 years imprisonment, and further made an order that his motor vehicle, a Ford pick-up, be forfeited to the provincial conservation authority.
- STATE VS JUNIOR JULINHO CHAUQUE AND ANOTHER, CASE RG 15\17 GIYANI CAS 120\07\2016, heard on 5\10\2017 – Charges: Contravention of the provisions of section 31(1)(a) of the Limpopo Environmental Management Act 7 of 2003 and possession of unlicensed firearm and ammunitions under Act 60 of 2000 (Firearm control Act). The accused being a first offender was sentenced to R 100 000.00 or 6 years imprisonment of which half was suspended for five years on condition that he is not found guilty of another offence during the suspension period.

Cases for 2016 and 2017:

Ten (10) cases registered in 2016 for illegal possession of ivory and 1 case on illegal possession and illegal dealing in ivory;

Six (6) cases for illegal possession of ivory have been registered thus far in 2017.

c) With regard to the establishment of a new Border Management Agency (BMA) in South Africa

The implementation of the BMA will be done in phases and it is planned that the pilot will start at OR Tambo International Airport in 2018. The BMA, as envisaged, will take over all border management functions at entry and exit points nationally. The Border Management Authority Bill was passed by the National Assembly, on 9 June 2017 and the Bill is currently being processed through the National Council of Provinces (NCOP).

Once the legislative process is completed, South Africa will be ready to establish an integrated border management authority. When fully established, the BMA will play an important role at the frontline of South

Africa's borders. It will more effectively facilitate legitimate movement of people and goods in line with the country's socio-economic objectives.

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

d) Improved reporting to ETIS

The Director General of the Department of Environmental Affairs sent a letter to the Acting Commissioner of the South African Police Service (SAPS) in August 2017 to request the SAPS to report every ivory seizure on the ETIS reporting form to the Department within 60 days of the occurrence of the seizure in order for the Department to send the information to TRAFFIC. Provincial conservation enforcement officials, South Africa National Park officials and Environmental Management Inspectors have been requested to report all ivory seizures to the Department immediately. This will ensure that reports are sent to the Department as soon as seizures have been made.

e) Poaching of 46 elephants in the Kruger National Park in 2016 as reported by the Minister.

As already indicated in our written report to the Secretariat, interventions being implemented to counter rhinoceros poaching, especially in Kruger National Park where all the elephant deaths have occurred, are also used to respond to the elephant poaching.

Our countering efforts In Kruger National Parks involve the following:

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

The Department of Environmental Affairs will receive funding for Elephant Crime Scene management training as well as for the production of associated materials such as production of DVDs for SoPs etc. for first responders and investigators. The plan is to develop these best practise guidelines within Kruger National Park and then share them with provinces and possibly countries in the region.

f) Other general initiatives – for enforcement and anti-poaching

South Africa is also in the process of securing funding for the following initiatives:

- increase the capacity of Environmental Management Inspectors on a Grade 5 level (field guides in parks and reserves) as well as biodiversity investigators. Some materials have been completed and curricula will be loaded onto the newly established e-learning platform. The gaps in terms of materials for advanced

training such as investigations and interviewing techniques, testifying in court, statement writing, etc will also be filled with future funding opportunities. Physical advance training has commenced this week with a course in Cape Town. The Department is also looking at an opportunity to develop new engaging learning approaches such as interactive courses.

- general skills development and training for older rangers that struggle with literacy and also ranger leadership training / conflict resolution / welfare etc.
- actively targeting training at the ports of entry and exit and we will be supplying materials and equipment to two pilot ports and then implement at other ports.
- awareness for prosecutors / investigators / judiciary with a focus on areas with courts where the majority of wildlife cases are being heard. Plans to introduce new engaging materials, practical scenarios, models, and multi-media tools. Presentation skills to be improved and potential for exchange visits with colleagues from Mozambique.
- development of crime scene responder knowledge and curriculum for roll out to dog units within Customs as examples of best practise.
- development of curricula on best practise for first responders for incidents at roadblocks.
- procurement of CMORE (a situational awareness operating platform) and the implementation thereof in South African national parks and nature reserves.

For further reading on the elephant population of Kruger National Park:

Article "Elephant population growth in Kruger National Park, South Africa, under a landscape management approach" Sam M. Ferreira, Cathy Greaver, Chenay Simms

The elephant population in South Africa is growing with a minimum of 17 086 elephants resident in the Kruger National Park in 2015, growing at 4.2% per annum over the last 12 years.

In Koedoe Received: 27 July 2016; Accepted: 12 June 2017; Published: 25 Aug. 2017