

**Questionnaire on the implementation of Resolution Conf. 9.14 (Rev. CoP17) and
measures to prevent and combat rhinoceros poaching and trafficking in rhinoceros horn**

Please provide as much information as possible in answer to the questions below. Where specified within the questions, please report on any actions taken since the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016). In all other questions, information requested is not time bound.

Country	South Africa
Function of agency completing this questionnaire	Department of Environmental Affairs coordinating the work of Environmental Management Inspectors responsible for the enforcement of the National Environmental Management Act and its Threatened or Protected Species- and CITES Regulations in South Africa. The Department is also coordinating the implementation of CITES in South Africa.
Contact details of agency/agencies completing this questionnaire	Department of Environmental Affairs, Private Bag X447, PRETORIA, 0001, South Africa 473 Steve Biko Road, Arcadia, Pretoria, 0083, South Africa
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Question 1.	INVESTIGATIONS, (Please do NOT provide any nominal or other sensitive information that might jeopardise or impede ongoing or future investigations or prosecutions)
1.1.	<p>Has your country developed and implemented any law enforcement strategies to combat, as applicable, rhinoceros poaching and illegal trade in rhinoceros horn?</p> <p>Yes</p> <p>The National Strategy for the Safety and Security of Rhinoceros Populations and Horn Stocks in South Africa was published in 2010 for immediate implementation.</p>

The was necessitated by the drastic increase in the number of incidents of rhino poaching in the country and was approved by a cooperative governance meeting by Members of the Executive Committee on Environment one 8th July 2010.

The purpose of the Strategy is to provide guiding principles to inform decision making processes, strategic planning and operations aimed at reducing the effects of poaching on rhino species and to ensure the successful arrest, conviction and sentencing of poachers, illegal traders and crime syndicates operating locally (at park level), nationally, regionally and internationally. The purpose is to also provide better controls and monitoring of rhino horn stockpile management and to promote improved management of the conditions under which rhino may be legally hunted.

The strategy sets out to inform strategic planning and critical intervention strategies aimed at:

- Implementing an immediate action plan aimed at mitigating the current escalation in the poaching of rhino and the illegal trade in rhino horns aimed at facilitating regulated and controlled international trade. Furthermore it requires the establishment of the Interim National Wildlife Crime Reaction Unit (NWCRU) which will evolve into a permanent NWCRU structure;
- Securing the shared commitment of government (at national and provincial level), private land owners, local communities and international stakeholders, as well as the necessary financial and manpower resources and political will to implement this policy. This aspect of the strategy requires Political commitment and mandate;
- Supporting the establishment of a national coordination structure for information management, law-enforcement response, investigation and prosecution. The National Wildlife Crime Reaction Unit with its implementation plan will assist in enhancing the levels of required coordination.
- Developing an integrated and coordinated national information management system for all information related to rhino species in order to adequately inform security related decisions. This will be achieved through the development and implementation of national database and information sharing mechanisms which will be supported by the applied scientific research.
- Investigating proactive security related measures aimed at possibly facilitating a better understanding for any possible future regulated and controlled international trade in the species, and any associated by-products. This aspect of the strategy requires comparative technical study on current international projects and research as well as support for relevant regional and international initiatives.

National Integrated Strategy to Combat Wildlife Trafficking (NISCWT)

South African Government departments responsible for law enforcement have identified the need for a whole-of-government approached (assisted by civil society) in 2015 and under the leadership of the South African Police Service, drafted and finalized the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) to combat wildlife trafficking, which encompasses the

entire illicit value chain in an organized manner. This Strategy is currently being discussed for approval by all government structures which will be affected by the implementation of the Strategy.

Fundamental to the new strategic approach to counter wildlife crime is the acceptance that it is no longer an environmental concern only, but has evolved into a serious organized 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:

- Wildlife trafficking is a threat to human and environmental security in South Africa
- Wildlife trafficking in South Africa has become a threat to state security
- Intensity and impact of wildlife trafficking in South Africa
- Previous initiatives have not reduced the proliferation of wildlife trafficking in South Africa.

The Vision of the NISCWT is a well-resourced and implemented integrated, multidisciplinary and consolidated law enforcement approach to break the illicit value chain of wildlife trafficking in South Africa and beyond.

The Mission of the Strategy is to focus and direct law enforcement's ability, supported by the whole of government and society, to address the threat wildlife trafficking poses to national security and biodiversity.

The following objectives have been identified to significantly increase the South African government's ability to address the security threat wildlife trafficking currently poses to the country:

- Improving law enforcement, supported by the whole of government and society, to effectively investigate, prosecute and adjudicate wildlife trafficking as a form of transnational organized crime;
- Increasing the government's ability to detect, prevent and combat wildlife trafficking in South Africa and beyond; and
- Increasing national, regional and international law enforcement collaboration and cooperation on combating wildlife trafficking.

The effective implementation of the NISCWT will ensure that South Africa 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 organized 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.

Four priority species have been identified by the South African government as being exploited by organized crime groups namely African Elephant, Rhinoceros, Cycads (*Encephalartos* species) and Abalone (*Haliotis midae*).

The Strategy is currently in the approval process however, 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.

The Strategic Management Approach includes the following:

- i) **Compulsory interventions** directed at bolstering existing interventions including:
 - a. strengthening and persisting with pro-active anti-poaching operations;
 - b. continuous joint operations with key neighbouring countries;

- c. improved intelligence gathering and analysis capability;
- d. improving general protection in parks and provincial reserves where rhino are present, with the help of relevant technology; and
- e. introduction of responsive legislation and policy amendments to address rhino poaching.

ii) **Increasing rhino numbers** through the translocation to low risk areas, range expansion and population expansion. (Translocations will take place within South Africa to other parks, reserves and private and community land; as well as translocations to other range States in Africa. Security measures and management plans aimed at increasing populations and contributing to the conservation of the species will be requirements / conditions for all translocations)

iii) **International and national collaboration and cooperation** Interventions on international collaboration will further strengthen efforts to address not only rhino poaching, but illegal wildlife trade in general. It is internationally acknowledged that illegal wildlife trade results in devastating impacts on species, ecosystems, sustainable livelihoods, economies, and national and regional security. Collaboration between range, transit and consumer States is therefore essential to address this challenge effectively. MOUs have been concluded with:

- a. The Socialist Republic of Vietnam,
- b. The People's Republic of China,
- c. Mozambique,
- d. Gambia,
- e. Kenya, and
- f. Lao's People Democratic Republic

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. There is a need to accelerate co-operation with key identified countries.

At a national level, the protection of rhinos inside parks with intensive protection zones, and technology interventions, are being complimented with extensive emphasis on national, regional and international collaboration between law enforcement agencies and the criminal justice system. Greater attention will be given to collating proactive intelligence from multi-agencies – nationally and ideally regionally and internationally.

- iv) New interventions include steps to disrupt transnational organised crime networks
- v) Long-term sustainability measures to ensure the future survival of this key species, include:
 - a. the creation of economic alternatives for communities taking into account the government's sustainable utilisation policy;
 - b. creating incentives to promote / facilitate rhino ownership; and
 - c. the consolidation of rhino population across different land-users in South Africa including national, provincial, private and communal land

	<p>Rhino Conservation Lab</p> <p>The Departments' of Tourism and Environmental Affairs jointly decided to use 'implementation lab' methodology to unlock the value of South Africa's Biodiversity. The Rhino Conservation Lab was added to the Biodiversity Economy Lab, acknowledging the key role the rhino plays in the wildlife economy and SA's tourism industry.</p> <p>During August 2016 a consultation process was held with all relevant stakeholders which resulted in the development of the work streams based on the five pillars of rhino conservation (which resulted from the Committee of Inquiry into whether or not to make a proposal on rhino horn trade at CITES COP). These pillars are as follows: security (anti-poaching and anti-trafficking); community empowerment; demand management; responsive legislation and biological management.</p> <p>The aspiration that was agreed to by the Rhino Lab was to "secure meta population of rhino in South Africa through effective reduction in the number of rhino killed through poaching by 11.1%, resulting in increased the population at 2% p.a. through 2020".</p> <p>The Rhino Lab resulted in the development of a detailed implementation plan with initiatives and specific activities in relation to both anti-poaching as well as anti-trafficking (these activities were aligned with the draft National Integrated Strategy to Combat Wildlife Trafficking (NISCWT).</p> <p>A sub-committee of WGIV on Compliance and Enforcement has been set up to take forward some of the anti-poaching initiatives from the Rhino Lab. Implementation of the anti-trafficking initiatives (aligned to NISCWT) will begin once final approval of the strategy is received from the SAPS.</p>
1.2.	<p>Has your country adopted legislation or drawn upon existing legislation to facilitate the use of specialized investigation techniques such as controlled deliveries and covert investigations, where appropriate, in support of conventional investigation techniques, in particular for offences related to the illegal killing of rhinoceroses and the trafficking of rhinoceros horns? please provide details of</p> <ol style="list-style-type: none"> i. titles: ii. date of enactment ; iii. provisions of such legislation; iv. examples where such legislation has been utilised. <p>Yes</p> <p>Section 252A of the Criminal Procedure Act 51 of 1977 gives authority to make use of traps and undercover operations and admissibility of evidence so obtained. This has been successfully used in rhino horn cases (entrapment).</p>

1.3	<p>Has your country used any other legislative tools and regulations, such as anti-money laundering and asset forfeiture legislation, in support of wildlife legislation, to address rhinoceros poaching and illegal trade in rhinoceros horn and other parts or derivatives, as applicable to your country?</p> <p>Yes</p> <p>Potential additional charges that can be instituted against offenders of rhino related crimes:</p> <p>Fraud (false information given) Common Law crime False declaration of goods – Customs and Excise Act Racketeering/money laundering – Prevention of Organized Crime Act Possession of unlicensed firearms/ammunition – Firearms Control Act Trespassing (National Environmental Management: Protected Areas Act, Provincial Ordinances) Use of scheduled veterinary medicines without approval – Medicines and related substances Act Animal cruelty – Animal Welfare Act / Animal Protection Act Theft – Common Law crime Malicious injury to property – Common Law crime Poisoning - Fertilizers, Farm feeds, Agricultural remedies and Stock remedies act Climbing over fence or cutting fence – Fencing Act Flying in a no fly zone, minimum height – Civil Aviation Act</p> <p>Criminal Procedure Act (Act No. 51 of 1977) Criminal Matters Amendment Act, 2015 (Act No. 18 of 2015) South African Police Service Act (Act No. 68 of 1995) Prevention of Organised Crime Act (Act No. 121 of 1998) Medicines and Related Substances Act (Act No. 101 of 1965) Customs and Excise Act 91 of 1964 Firearms Control Act, 2000 (Act No. 60 of 2000), Animal Protection Act 71 of 1962 Agricultural remedies and Stock remedies act 36 of 1947 Civil Aviation Act 13 of 2009 Fencing Act No. 31 OF 1963</p>
1.4	<p>Has your country shared information and cooperated with other source, transit or destination countries, or international law enforcement organizations, and was any mechanisms such as those provided for in the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention Against Corruption (UNCAC) mobilized to address individuals or groups suspected of involvement in rhinoceros poaching or the illegal trade in rhinoceros parts and derivatives, including conducting cross-border investigations?</p>

	<p>Yes</p> <p>South Africa hosted an Interpol Regional Investigative and Analytical Case Meeting (RIACM) with the following participating countries: China, Malaysia, Mozambique, South Africa & Swaziland. We also discussed and shared information among others on Rhino Horn Trafficking relating to Transcontinental Investigations. The meeting took place in Kruger National Park on 26 &-27 June 2017</p> <p>South Africa and Mozambique meet biannually under a Joint Management Committee which is part of the Memorandum of Understanding on cooperation in the field of biodiversity conservation and management which was signed in 2014. Among others, we discuss issues relating to the illegal killing of rhinoceros in South Africa and the subsequent illegal export of the rhinoceros horns, especially from the Kruger National Park to Mozambique. Many of the people who are apprehended and charged are Mozambican citizens. The co-operation with Mozambican authorities is very good.</p> <p>South Africa participated in the following meetings / conferences where cases of illegal trade in rhinoceros and rhinoceros products were discussed and information shared:</p> <ul style="list-style-type: none"> • Special Investigation Group (SIG) meeting to strengthen cross-border wildlife enforcement between Asia and Africa in Bangkok, Thailand from 13 to 17 February 2017 • UNEP Regional Forum for the Police and Prosecutors on Environmental Crime Education in Africa held in Entebbe, Uganda from 22 to 24 January 2018. The training aim to strengthen the effective investigation and prosecution of environmental crimes and equipping the officials with knowledge and skills to ensure sustainable education • The South African Police Service's Directorate for Priority Crime Investigation, commonly known as the HAWKS has strengthen their priority actions and partnered with the Asset Recovery Inter Agency Network Southern Africa (ARINSA) focusing on taking proceeds from Wildlife Crime. • The South African Department of International Relations and Cooperation (DIRCO) has engaged with the Government of Myanmar in a bilateral meeting for Senior Officials which took place in Nay Pyi Taw, Myanmar, from 10 to 17 August 2017. The aim of this meeting was to take the bilateral relations to a higher level. The HAWKS participated in the meeting and spoike about combatting trans-national crime, including wildlife trafficking with particular focus on rhino horn, elephant ivory and human trafficking. • Wildlife Inter-regional meeting for Customs officers and Regional Investigative and Analytical Case Meeting between South East Asian, Asian and African Countries held from the 14 to 22 October 2017 in Hanoi, VietNam. Countries who participated in the meeting included the Interpol National Central Bureaus of China, Democratic Republic Cong, Kenya, Laos, Malawi, Malaysia, Singapore, South Africa, Tanzania, Thailand, Uganda and Vietnam.
Question 2.	LEGISLATION

2.1	<p>Has your country enacted and implemented comprehensive legislation and enforcement controls, including internal trade restrictions and penalties aimed at reducing illegal trade in rhinoceros parts and derivatives, and including any specimen that appears from an accompanying document, the packaging, a mark or label, or any from any other circumstances, to be a rhinoceros part or derivative?</p> <p>Yes</p> <p><u>National Environmental Management Biodiversity Act (Act 10 of 2004) (NEMBA)</u></p> <p>Section 57(1) of NEMBA prohibits any person from undertaking a “restricted activity” involving a specimen of a listed species, unless he or she holds a permit to do so. The definition of restricted activity in relation to a specimen of a listed threatened or protected species, means-</p> <ul style="list-style-type: none"> (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen; (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species; (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species; (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species; (v) exporting from the Republic, including re-exporting from the Republic, any specimen of a listed threatened or protected species; (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species; (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply; (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species; (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or (x) any other prescribed activity which involves a specimen of a listed threatened or protected species;
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Both Black and White Rhinoceros are listed species under the Threatened or Protected Species Regulations published under NEMBA. The definition of specimen in NEMBA means:

- (a) any living or dead animal, plant or other organism;
- (b) a seed, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction or in any way transferring genetic traits;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which-
 - (i) contain a derivative of an animal, plant or other organism; or
 - (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism;

NEMBA Penalties:

- (1) A person convicted of an offence in terms of section 101 of NEMBA is liable to a fine not exceeding R10 million, or an imprisonment for a period not exceeding ten years, or to both such a fine and such imprisonment.

If a person is convicted of an offence involving a specimen of a listed threatened or protected species, invasive species, a fine may be determined, either in terms of subsection (1) or equal to three times the commercial value of the specimen or activity in respect of which the offence was committed, whichever is the greater.

- (3) Notwithstanding anything to the contrary in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

ToPS Penalties:

Regulations made in terms of NEMBA section 97 may provide that any person who contravenes or fails to comply with a provision thereof is guilty of an offence and liable on conviction to-

- (a) imprisonment for a period not exceeding five years;
- (b) a fine not exceeding five million rand, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment; or

- (c) both a fine and such imprisonment; or

The CITES regulations, published in Government Gazette No. 33002 on 5 March 2010

These Regulations give effect in South Africa to implementation of the CITES convention. Restrictions on trade in particular species are based on the Convention text (1975) as well as subsequent resolutions and decisions taken at the ongoing series of Conference of the Parties. CITES resolutions and decisions apply to species that are listed in the CITES appendices and have very important and specific implications for the conservation and sustainable use of rhino.

CITES Penalties

- (a) a fine not exceeding five million rand or imprisonment for a period not exceeding five years, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years; or
- (b) in both instances referred to in paragraph (a), both such fine or imprisonment; or
- (c) in the case of repeated offenders, a fine or imprisonment or both a fine and imprisonment as referred to in (a) above and being banned from ever applying for a permit to trade in CITES listed species again."

Relevant Provincial Nature Conservation Ordinances and/or Acts

Over and above the national legislation, the nine Provinces also have Ordinances and/or Acts which makes provision for regulating actions involving rhinoceros which is aimed at reducing illegal trade in rhinoceros parts and derivatives of provincial level.

National moratorium on the trade of rhino horn:

A national moratorium on the trade of individual rhinoceros horns and any derivatives or products of the horns within South Africa was published in the Government Gazette on 13 February 2009. It was published under Section 57(2) of the National Environmental Management: Biodiversity Act, 2004 (NEMBA) (Act No.10 of 2004).

The moratorium was published to protect the rhino population of South Africa by stemming the flow of illegally sourced rhino horn into the international market and thereby indirectly curbing the demand for illegally sourced horn and horn products; and It afforded the Department time to develop and implement compliance, monitoring and enforcement mechanisms to ensure that domestic trade in horn can be effectively monitored and diversion into the illegal international market can be prevented. This process involved the verification of all existing stockpiles of rhino horn to check compliance with the National Norms and Standards for the marking of rhino horns and hunting of white rhino for trophy hunting purposes which requires that all rhino horns must be

marked with a micro-chip and an external number, DNA samples taken from each horn, measured, weighed, and the information captured the national database managed by the Department. The verification process and the information of horns in the national database enables the Department to trace every horn, regulate domestic trade effectively and keep the illegal trade to a minimum.

The Moratorium was unfortunately set aside by the High Court of South Africa, Gauteng Division, Pretoria on 26 November 2015 because it was challenged by Rhino farmers. The Minister, through the Department, filed papers with the Supreme Court of Appeal (SCA) in Bloemfontein seeking leave to appeal the domestic trade in rhino horn judgment handed down by the High Court. The High Court's order has not been suspended by the application for leave to appeal to the SCA due to the late filing thereof. The Constitutional Court confirmed this and the prohibition is therefore no longer in effect and domestic trade in rhino horn can take place, provided the required authorisation is granted through the permit system in terms of NEMBA and the Threatened or Protected Species (TOPS) regulations.

Publication of National norms and standards for the marking of rhino horns and hunting of white rhino for trophy hunting purposes in Government Gazette No 32426 Notice No 756 (20 July 2009):

The norms and standards were reviewed in 2012 to further strengthen provisions and on 10 April 2012 the National norms and standards for the marking of rhinoceros and rhinoceros horn, and for the hunting of rhinoceros for trophy hunting purposes were published in Government Gazette No 35248 Notice No 304. The 2012 amendments have now been amended again and we are awaiting publication of the amended Norms and Standard within the next 3 months.

Amendments made to the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004)

To strengthen permit provisions and include enabling provisions to defer, suspend and cancel permits under certain circumstances. The National Environmental Management Laws Amendment Act, 2013 (Act No 14 of 2013) came into effect on 24 July 2013;

The Department published the National Environmental Management Laws Amendments Act (NEMLA), Second Amendment Act No 14 of 2013 which includes amendments to the National Environmental Management: Biodiversity Act, among others the following:

- provision that a person who is involved in an illegal restricted activity, but who does not physically carry out the restricted activity, can also be found guilty of an offence;
- The amendment further prescribes that all specimens in transit through the country (in transit) must be accompanied by the necessary documentation. This important provision will assist in addressing the movement of illegal specimens through the country;

In addition to strengthening the regulatory and enforcement provisions in the hunting industry, the amendment also allows the Minister to limit the number of permits that can be issued in order to protect a species and makes provision for an issuing authority to suspend, defer or refuse a permit in the following circumstances:

- Suspension if the permit holder is under investigation for the contravention of a provision of the NEMBA
- Defer a decision to issue a permit if the applicant is being investigated, until the investigation has been concluded
- Refuse a permit if there is a detrimental impact on the species
- Refuse a permit if a person is found guilty of an offence in terms of the NEMBA

	<ul style="list-style-type: none"> ○ Together with the courts, the provinces, the Department of Defence, South African Police Service, South African Revenue of Services and Customs and Excise, the Department of Environmental Affairs continues to fight against organised environmental crimes such as rhino poaching. <p>While it is acknowledged that the amendments alone will not stop rhino poaching, it is expected to assist in addressing activities associated with poaching and closing the loopholes in terms of the abuse of the permitting system.</p> <p>Further amendments to strengthen the current Rhino Norms and Standards have already been approved by Parliament and are in the process of being published for implementation immediately after publication.</p>
2.2	<p>Has your country enacted legislation that prohibits possession of rhinoceros parts and derivatives acquired in violation of the Convention?</p> <p>Yes - please see 2.1 above</p>
Question 3.	PROSECUTIONS
3.1.	<p>Please provide details of prosecutions that have been initiated in your country <i>since October 2016</i> related to the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, including dates, quantities and types of specimens involved, outcomes (successful or not), penalties imposed, prosecution rates, etc.</p> <p>See attached documents on prosecuted cases for 2016 and 2017</p>
3.2	<p>If any measures have been implemented in your country that contributed to an increase in the number of successful prosecutions concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, please share information about these measures.</p> <p>No implementation of new measures. However the continued diligently monitoring of these prosecutions and collaboration between prosecutors and law enforcement agencies, continued training and legal assistance to both prosecutors and law enforcement agencies has a contributing factor. The outcome of these measures, has contributed in dealing effectively with challenges experienced by all stake holders.</p>
3.3	

	<p>Please outline below any barriers or obstacles there may be in securing successful prosecutions or deterrent penalties in your country concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, and any support that might be needed to overcome them.</p> <p>There has been numerous successful prosecutions related to rhino cases and the penalties have been severe, with years of imprisonment imposed. These are communicated on a regular basis to the public through the media, and thus serve as a deterrent. There are thus no barriers or obstacles pertaining to the securing of successful prosecutions or to obtain deterrent penalties.</p>
Question 4.	DNA FORENSICS
4.1.	<p>Does your country routinely collect samples from rhinoceros parts and derivatives seized for forensic analysis?</p> <p>Yes for routine and forensic purposes</p> <p>South Africa developed a guideline for the Procedure for taking DNA samples from seized whole Rhino horn, pieces of horn or horn shavings/powder in line with forensic requirements in collaboration with the Veterinary Genetics Laboratory of the University of Pretoria and the CITES Secretariat. The guideline was launched at CITES CoP 17. See copy attached</p> <p>In the Norms and Standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes (hereinafter referred to as the Rhino Norms and Standards) it is a requirement that DNA samples be taken as follows:</p> <ol style="list-style-type: none"> (1) Samples for the purpose of genetic profiling must be collected in any of the following circumstances— <ol style="list-style-type: none"> (a) for treatment, translocation or any other management purpose, in which case a horn and a cellular sample, such as a blood or a skin sample, must be collected; (b) of detached horns contemplated in paragraphs 3(3) or 3(4), or obtained through the hunting of a rhinoceros; or (c) an unlawfully killed rhinoceros, in which case, to the extent possible, a horn and a cellular sample must be collected. (2) Subparagraph (1) does not apply if the genetic profiling in respect of a particular rhinoceros or rhinoceros horn has already been performed. (3) The samples contemplated in subparagraph (1) must be collected by using the DNA kits as approved by the Forensic Services Division of the South African Police Service. (4) The samples contemplated in subparagraph (1) above must be collected by the following persons— <ol style="list-style-type: none"> (a) in the case of samples contemplated in subparagraph (1)(a), a— <ol style="list-style-type: none"> (i) cellular sample by a veterinarian; and

	<p>(ii) horn sample by a veterinarian, or an environmental management inspector who has been adequately trained and certified in the collection of DNA samples;</p> <p>(b) in the case of horn samples contemplated in subparagraph (1)(b), by the relevant environmental management inspector, who has been adequately trained and certified in the collection of DNA samples; or</p> <p>(c) in the case of samples contemplated in subparagraph (1)(c), the relevant environmental management inspector or a member of the South African Police Service, who has been adequately trained and certified in the collection of DNA samples.</p> <p>(5) The samples contemplated in subparagraph (1) must be sent for genetic profiling, to—</p> <p>(a) a facility registered as a scientific institution in terms of the TOPS Regulations and approved by the Director-General, in the case that such genetic profiling relates to diagnostic purposes; or</p> <p>(b) the Forensic Science Laboratory of the South African Police Service, in the case that such genetic profiling relates to forensic purposes; as soon as possible after it has been collected.</p> <p>(6) The facility contemplated in subparagraph (5) must record the information relating to the genetic profiling and make such information available to the Department.</p> <p>(7) The costs for the genetic profiling contemplated in subparagraphs (1)(a) and (b) are the responsibility of the Department.</p> <p>(8) The facility contemplated in subparagraph (5) must provide the Department with a copy of the genetic profiling report.</p> <p>All forensic samples are currently sent to the Forensic Science Laboratory of the South African Police Service and routine samples are currently sent to the Veterinary Genetics Laboratory of the University of Pretoria where all the samples are currently housed and analysed.</p> <p>We also require a Genetic profiling certificate for each rhino horn offered for sale in the domestic market in South Africa. Applications for sale of rhino horn are not accepted without each horn having a DNA certificate to state that the horn has been DNA sampled and analysed.</p>
4.2.	<p>Has your country to date in any way used the <i>Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis</i> provided in the Annex to Resolution Conf. 9.14 (Rev. CoP17) <i>Conservation of and trade in African and Asian rhinoceroses</i>, to collect and share information about seizures of rhinoceros specimens?</p> <p>Yes</p> <p>Since CoP 16, South Africa regularly communicates with countries where rhino horns are seized to request DNA samples of the seized horn and we request that the country where the horns were seized do this in accordance with CITES Resolution 9.14 (Rev Cop17) paragraphs 1. e) i), f) and g) to assist South Africa in providing us with information on the seizure as well as taking DNA samples for analysis to establish the origin of the horns. We have in the past received the collection form from only three countries.</p>

	<p>Some countries sent the DNA samples without the collection form which does not help us apart from knowing if the horns are from animals originating in South Africa.</p> <p><u>Rhino DNA samples sent to SA from international seizures from 2015 to date:</u></p> <p>Qatar Sample – February 2015 – no link Mozambique Samples – September 2015 and March & June 2016 – 19 links to South African rhino Zambia Samples – July 2016 – 1 link to Namibian rhino Uganda Samples – July 2016 – 1 link to Kenyan rhino Kenya Samples – August 2016 – 1 link to South African rhino Vietnamese Samples – September 2015 and November 2016 – 5 links to South African rhino Singapore Samples – April 2014, Sept 2017 and Jan 2018 – 5 links (3 South African rhino; 1 Kenyan rhino and 1 Namibian rhino) Malaysia Samples – March 2016 and September 2017 – 9 links to South African Rhino Hong Kong – October 2017 – 2 links with South African rhino Swaziland – April 2017 - 3 links to South African rhino Netherlands – October 2017 – link with South African rhino Cambodia – November 2017 – several links awaiting final report</p> <p>We find that countries in general are reluctant to provide all the information on the seizures on the collection form because the investigation is still on-going by the time we received the samples or the court case is still pending. We seldom get feedback on prosecutions of horns seized in transit countries or in end user countries. We have received info on prosecutions in Singapore and Malaysia.</p> <p>We have not used the form before although we have worked with neighbouring countries on seizures and sharing of information which took place in South Africa (from Namibia and Swaziland). Mozambique, Namibia and Swaziland has also supplied information to us on seizures.</p>
Question 5.	RHINO HORN STOCK MANAGEMENT
5.1.	<p>Does your country have legislation, regulations or administrative measures in place to ensure that stocks of rhinoceros horn are identified, marked, registered and secured, pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses?</i></p> <p>Yes</p> <p>Our National Biodiversity Management: Biodiversity Act (NEMBA, 2004) through the Threatened or Protected Species (ToPS Regulations and the Rhino Norms and Standards requires horns to be marked, photographed and measured and the information be entered into the National Rhino Horn Database. The Rhino Norms and Standards also requires that the horns be kept in a</p>

	secure place and that rhinoceros mortality, irrespective of the cause of such mortality, or theft of a rhinoceros horn, must be reported to the issuing authority within 5 working days of discovering the death of such rhinoceros or the theft of such rhinoceros horn.
5.2.	<p>Has your country declared these stocks to the Secretariat in accordance with the provisions of Resolution Conf. 9.14 (Rev. CoP17), paragraph 2. a)?</p> <p>Yes stocks are declared every year as required.</p>
5.3	<p>Has your country implemented national level measures for the management of imported rhinoceros trophies, including addressing the issue of alteration and transfer of such trophies, to ensure the rhinoceros horns acquired as legal hunting trophies remain in lawful possession pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses?</i></p> <p>Yes</p> <p>The National Biodiversity Management: Biodiversity Act (NEMBA, 2004) requires a permit to be issued for any restricted activity involving a Threatened or Protected Species (ToPS) and both Black and White rhinoceros are listed as ToPS species. A restricted activity includes import, possession, keeping, buying and selling.</p>