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Wildlife Case Study

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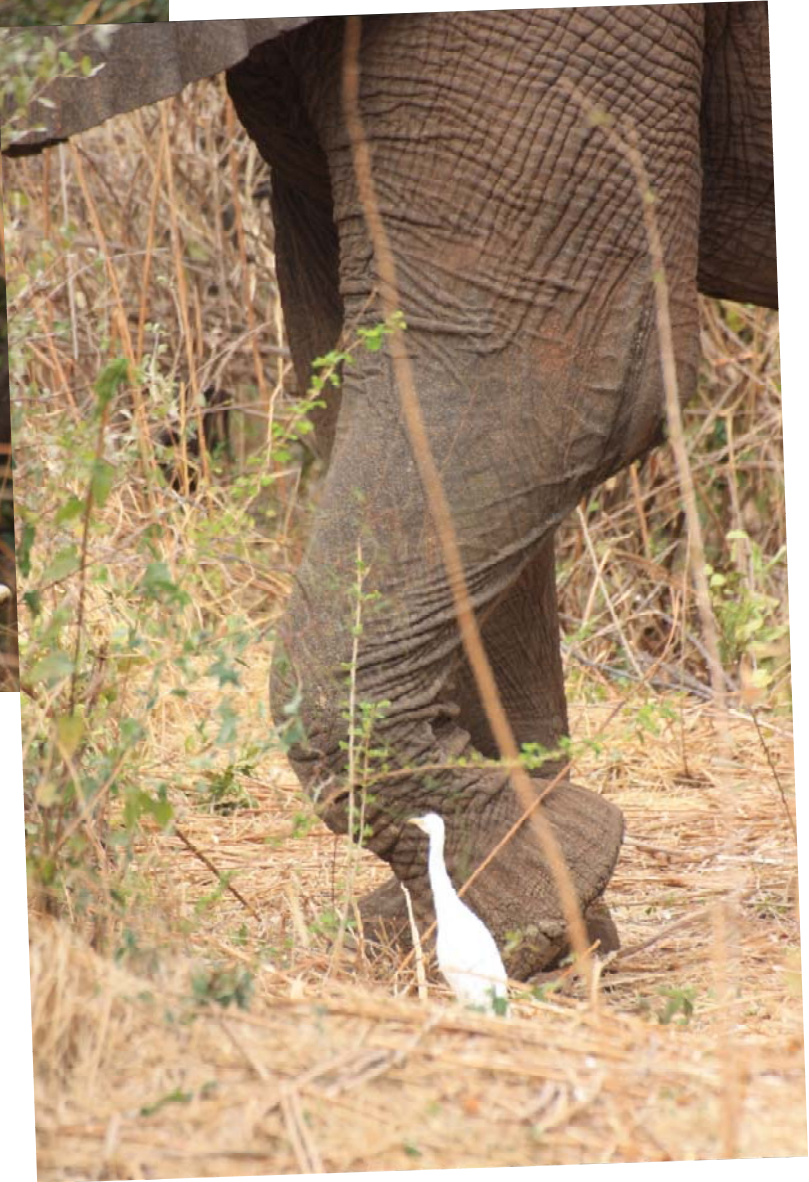
“Getting a fair bargain for Africa and the developing world: The role of the Prosecutor in combating financial crime including tax evasion and environmental degradation in the extractive and other significant industries.”

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Outline



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2. Illegal wildlife trade – what is it?
3. Illegal wildlife trade – consequences
4. Drivers of wildlife crimes
5. Impacts
6. Challenges
7. Recommendations





Summary

- Wildlife exploitation is a form of extractive industry which should conform to set standards and regulatory frameworks
- Illegal forms of exploitation on the increase with higher impacts at local, national and international level
- Contributes to environmental degradation and deprives the economy of income; deprives communities of a livelihood
- Complex; involving many players and corruption
- Requires a wide and improved response – awareness, information, prevention, detection, incentives/disincentives, and stronger laws; inter-agency cooperation
- More capacity building for prosecutors in wildlife crimes





Background



- Exploitation of species as entire animals or parts of them is a form of extraction for livelihood, profit, medicine or sport; renewable resources
- Industry – local, national and international
 - ✓ Skins, horns, teeth, hair, feet as souvenirs, medicines, supplements, aphrodisiacs
- Subsistence
 - ✓ Food and raw materials; millions of poor people depend directly on wild products for their survival
- Before man started mining, man was already hunting and collecting from the wild under certain cultural practices within the technological means of the times





Background



- Now employing firearms and motorised transport in addition to trapping and snaring
- Consequently:
 - ✓ Levels of illegal harvesting are higher leading to environmental degradation
 - ✓ Targeting certain species for their valuable trophies for the international market e.g. elephants, rhinos
 - ✓ Targeting other species for the urban game meat market e.g. buffalo, hippo, antelopes
 - ✓ Complex criminal groups operating at different levels – local trackers, hunters, supplying firearms and ammunition, smuggling ranging from the village to embassies
 - ✓ Requires an organised approach especially in monitoring and prosecution; inter-agency cooperation





Background



- **Examples**
- Dodo
- Black Rhino
- African Elephant under severe pressure
- Current resurgence of elephant and rhino poaching for the Asian market

- **Note:**
- Species extinction is natural but uncontrolled exploitation accelerates the rate and the number of species involved





Background



- Creation of protected areas as wildlife refuge areas
- Formal regulation through legislation

National level

- ✓ Development of conservation legislation – Zambia Wildlife Act No 12 of 1998
- ✓ Creation of specialised institutions; Zambia Wildlife Authority
- ✓ Central Government assumed total ownership of resources –
 - *largely removing it from local economies and cultures*
 - *alienating the local communities that depend on it directly*







Background



International response

- International legislation through multilateral environmental agreements (MEA) with some that are dedicated to fauna and flora e.g. Convention on International Trade in Endangered Species (CITES) of fauna and flora
- Regulates trade in species categorised in lists called appendices according to assessed levels of threat
 - ✓ Trade totally banned in critically endangered species
 - ✓ Trade limited and controlled in threatened but viable species
 - ✓ Permits





Illegal wildlife trade – what is it?



On the global scale, third after drugs and firearms in terms of global value of the trade

Characterised by:

- ✓ illegal extraction from the wild – without permits or abused permits;
- ✓ use of unauthorised methods e.g. military firearms, poisons, tranquilisers, snares, bows and arrows, traps
- ✓ Permits either obtained corruptly
- ✓ Unauthorised dealing locally, nationally and internationally; illegal networks at various levels to access local and international markets
- ✓ Avoiding detection and prosecution
- ✓ Demand not just China but wider





Illegal wildlife trade – consequences



Continued illegal wildlife trade

- ✓ Deprives the country of a legitimate source of income through the organised industry; tax and other fees; national heritage
- ✓ Deprives communities of a source of livelihood and cultural identity
- ✓ Compromises internal and external security
- ✓ Compromises local, national and international conservation efforts

Communities bear the largest cost:

- ✓ National level legislation is not always sensitive to local people's needs and circumstances
- ✓ Large proportion of wildlife offenders in some rural prisons and some of them if not most, are repeat offenders;
- ✓ local people also overharvest when demand is created





Drivers of wildlife crimes



- **Local and international demand** for specific products e.g. meat, skins, teeth of certain animals, lucrative
- **Human Wildlife Conflict** – wildlife destroys crops, property and human life; humans retaliate by killing the wildlife. Wildlife protected by the State through legislation and dedicated institutions is seen as a pest to the ordinary people in rural areas, when there are no or limited benefits
- **Poverty** – lack of income and jobs; inadequate mechanisms for participating in the legal wildlife industry; limited benefits
- **Few or no incentives** for communities to participate in wildlife conservation; where there are some distribution is poor; more costs than benefits





Drivers



- **Inadequate legislation:** It is impossible to have a normal livelihood in most parts of rural Africa without breaking wildlife laws; people break the law as a matter of survival
- Legal frameworks have not changed with time
 - ✓ Criminalise local livelihood options that communities have depended on since time immemorial without alternatives; Infringement of community rights (Stuart Marks)
 - ✓ Demand for wildlife products leads of abuse of approved quotas for harvesting; quotas are sometimes inflated (World Bank)
 - ✓ Allocation of hunting concessions sometimes not based on merit but political patronage and corruption (Clarke Gibson)
 - ✓ Abuse of licences
 - ✓ Poor reinvestment in the areas of production; international companies







Impacts

- Black rhino *locally extinct until re-introduction; 24hr protection*
- National elephant population *now about 20,000 from over 100,000 in the 1980s; under pressure*
- Kafue lechwe – *stabilised around 40,000 but not increasing. Some offtake not being accounted;*
- Other species: *cats, birds and increasing*
- Most species generally in decline
- Loss of potential income for Government and communities
- Protected areas for wildlife under threat from other land uses e.g. mining







Challenges

- Limited capacity for law enforcement; lack of awareness of the seriousness of wildlife crimes; limited information
- Legal frameworks are sometimes more an enabler of crimes than a deterrent - penalties affordable; no alternatives for rural people
- Penalties are minimal even for protected or endangered species
- Wildlife crimes not taken seriously – few convictions for the real wildlife criminal masterminds; more at the level of ordinary people – trackers and carriers rather than the hunters and buyers
- Controversy regarding the role of trade – *is it a driver of illegal exploitation or a source of income? To ban or not to ban?*





Challenges

- Poor investment from Governments in conservation including law enforcement - *the last wave of high value animal poaching in the Luangwa Valley in the 1980s was controlled by a combination strategic law enforcement, bonuses for results and effective community participation. Expensive.* (Hugo Jachman)
- State ownership of wildlife without mechanisms for effectively transferring this ownership; disincentives. *The goat is mine to do with as I please; the impala will never be mine!!!*
- In the face of a strong international market, stiff punishment is never a deterrent (Leader-Williams)
- Low wildlife management effectiveness – lots of paper parks in Africa (Mwima, IUCN)





Challenges

- Poor prosecution record of wildlife cases and usually only the insignificant people are netted while the real criminals are free!
- Outdated legislation (World Bank) that alienates wildlife from people by not providing for community rights (Brian Jones); does not deliver benefits to communities – no incentive (World Bank, NRCF, GRZ); does not assign its true value and makes it a less competitive form of land use (Brian Child); not equal to the complexity and corruption
- Lack of equity – the elite at local and national levels capture the benefits; poor people bear the brunt of wildlife crimes





Recommendations

- Increase awareness at all levels especially its contribution to the local economy – culture and environment and the extent of wildlife crimes
- Improve investments in environmental management including law enforcement, wildlife crime prevention, investigations, information collection/sharing and addressing corruption; respond to the complexity
- Strengthen penalties for wildlife crimes especially involving species of interest and high profile offenders
- More prosecutors specialised in dealing with wildlife crimes
- Liberalise wildlife to increase production





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Thank you

