Wildlife Case Study

Presented to the

3rd Regional IAP Conference for the Africa-Indian Ocean Region, Zambia, 2nd – 6th March 2014

“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.”

Mwape Sichilongo
NORAD/WWF Regional CBNRM Capacity Building Programme in Southern Africa

msichilongo@wwfzam.org 0966 44 25 40
Outline

1. Background
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 are on the increase with higher impacts at local, national, and international levels.
- 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

✓ 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, tranquillisers, 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
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 dealing with wildlife crimes
Thank you