



LEGAL ASSISTANCE CENTRE

Wildlife Crime Project

*Combating Poaching and Illicit Wildlife Trading in
Namibia through the Strengthening of the
Law Enforcement Framework*

FINAL REPORT: JULY 2016 – APRIL 2017

INTRODUCTION

Wildlife crime has become an ongoing occurrence in Namibia. The most recent rhino poaching cases were at Etosha, Grootberg and Frans Indongo Lodge. It is now a national problem that is affecting all levels of society. Previous experience has taught the LAC team that there is a lack of knowledge among the Namibian youth. An effective preventative method is to educate the rural youth on wildlife crime. The LAC team has continued and expanded their wildlife crime advocacy program, bringing their presentations to the western Etosha boundary communities as well as larger centres like Outjo, Kamanjab and even the coastal towns like Walvis Bay and Swakopmund.



In 2016, at the coast in Namibia, the threat of the illegal capture of marine wildlife, such as dolphins, orcas, seals and penguins for markets in China became a major concern. This was at the same time when the police confiscated three live pangolins at a Chinese establishment in Walvis Bay. This indicated that wildlife crime and trafficking is also escalating at the coast. The LAC team adapted their wildlife crime presentation to address coastal problems. The LAC assisted the police in the pangolin case and became part of a strong movement fighting the marine capture. Presentations were given at three coastal schools.

The LAC team also created a wildlife crime cartoon comic, to distribute to rural schools, urging the youth to speak out and report wildlife crime. This comic was distributed widely in schools in the rural areas, communal lands and in and around Etosha. These comics are very popular among the youth and the rural communities. Apart from schools, these comics were also distributed at community centres, police stations and game lodges. This seems to be a very effective method to address wildlife crime. At Oshigweda, close to Eenhana school children saw something suspicious and reported it to the police. It was a cache of ivory.

Through the generous support of GIZ, the project was able to obtain a period of extension of the project from July 2016 to April 2017 in order to address the increasing problems surrounding wildlife crime.

PROJECT IMPLEMENTATION

The following report reflects upon LACs implementation during this funding period of the strategies and support agreed upon by all stakeholders present at the National Stakeholder Consultative Workshop on Enforcing Wildlife Law and Preventing Wildlife Crime (Windhoek, 8-9 May 2014) (hereinafter “Workshop”). During this project funding period, the LAC focussed on Grassroots Level Support, Law Enforcement / Justice System Support, Law Reform Support and Coordination Support.

GRASSROOTS LEVEL SUPPORT

According to the Workshop strategies, it was agreed by stakeholders that an education and awareness advocacy campaign is critical in order to develop strengthened community ownership and responsibility over wildlife. LAC continued to focus on Grassroots Level Support through the ongoing school advocacy campaign which began in July 2015 and has continued through this period into April 2017.



In 2015, the LAC team selected 7 schools that are in the most serious wildlife crime areas in Erongo, Kunene and Oshikoto regions to conduct a pilot school advocacy campaign which, if successful, could be expanded in future. In July 2016, the LAC team expanded the programme to continue to reach the initial schools but to also include new schools in the programme.

The following 17 schools were addressed during this period:

1. Elias Amxab Combined School (Sesfontein)
2. Warmquelle Primary School (Warmquelle)
3. Kamanjab Combined School (Kamanjab)
4. Purros Ondao Mobile School (Purros)
5. Petrus !Ganeb Secondary School (Uis)
6. Brandberg Primary School (Uis)
7. Okaukuejo Combined School (Ombika, Etosha National Park)
8. Otjetjekua Primary School (Okonjota)
9. Kephass Muzuma School (Otjikavare)
10. Abraham Gariseb primary school (Sorris-Sorris)

11. Cornelius Goreseb High School (Khorixas)
12. Welwitschia Junior Secondary School (Khorixas)
13. TH! F.!Gaeb !Gubasen Primary School (Khorixas)
14. Namib High School (Swakopmund)
15. Kuisebmund Secondary School (Walvis Bay)
16. De Duine Secondary School (Walvis Bay)
17. Outjo Secondary School (Outjo)

In total, from the beginning of the school advocacy programme in July 2015 through April 2017, the LAC has spoken directly to 5,014 students and 147 teachers from 17 different schools. During this phase of the school advocacy programme, the LAC team aimed to reach more students, as the poaching epidemic is an ongoing threat and more students need to be dissuaded from getting involved in poaching. In order to do this, the team focused on the Wildlife Crime Presentation; Films and Discussion; and Creation and Distribution of a Wildlife Crime comic book.

From September 2015 through June 2016, the LAC team spoke to 2,330 scholars and 96 teachers and principals in rural schools from several age categories between grades pre-primary through 12. Under this renewed phase of the project, from July 2016 through April 2017, the LAC team spoke to a further 2,684 scholars and 51 teachers from the initial schools



chosen as well as an extra 10 schools. In addition to the students that the team directly spoke to, LAC also reached an additional 4,965 students and teachers through the distribution of comic books at these schools (with an additional 555 comic books distributed to surrounding communities). The goal of the team was to reach more students in a shorter period of time and this goal was certainly achieved.

Organizations that have commented that they support this idea and are grateful that LAC continued with this initiative include the Ministry of Environment and Tourism, the Namibian Police, Save the Rhino Trust, WWF and IRDNC. The schools, through the Ministry of Education, continue to request further support from LAC. The teachers and principals of all the schools involved comment that they are grateful for this initiative as it fits completely within their curriculum and stimulates the youth towards critical thinking and active engagement in their education.

Wildlife Crime Presentation

During this funding period, the LAC team first focussed on the wildlife crime presentation. In this period, the team started the presentation by showing two Wild Aid videos featuring the Springbok rugby player Tendai "Beast" Mawatarira and Chinese basketball player Yao Ming, with both videos raising vivid concerns about wildlife crime. This set the right mood and made the students immediately concerned about the topic. Then, the team presented the wildlife crime PowerPoint presentation and concluded with the Prince EA video urging people to become actively involved in solving environmental and wildlife issues.



As in the past, the informative presentation first discusses basic environmental education and explains why the environment, wilderness and wildlife are important. After this, wildlife crime is discussed. The presentation covers the moral issue around poaching and the need to change the accepted norm. The idea is to change the moral values of people as this is the only true way to combat poaching in the long term. This is why it is so important to start with the youth as they are still formulating their morals and norms of behaviour. There is no quick fix- this will take time with a long term consistent message that poaching is immoral.

The presentation discusses the fact that there are livelihood opportunities through live wildlife as well- such as through tourism- those opportunities get taken away with poaching. Part of the discussion of the presentation is that livelihood opportunities for youth in future become less because poaching damages tourism. The presentation shows that a poacher is indeed selfish because he is basically 'stealing' opportunities away from future generations. Wildlife alive provide many more people with opportunities over the long term than poaching. After the presentation, the youth understood that poaching is not only bad for the wildlife but also for their own survival and livelihood options.

The presentation does not lead with the financial benefits of wildlife as the main argument though, as this is an argument that has not really stood the test of time. Unfortunately economic arguments can be compared, such as the economics of tourism vs. poaching. People who do not see a direct benefit through tourism in terms of big earnings for themselves can easily compare it to poaching and realize they can make more money with poaching. Looking at pure economic benefits has not solved the poaching problem, as now there is a higher bidder: poaching syndicates.

The presentation focusses on wildlife crime and its connections to international criminal syndicates. Organised poaching has links to other organised crime like human trafficking, drug smuggling and gun running. It stresses the role of the law and that wildlife has proper protection under Namibian law. It shows that the environment, wildlife and youth are protected under the Constitution.



It further states that poverty is no excuse for poaching and that there should not be tolerance for poachers and dealers. In the beginning, some youth really thought poverty is a good excuse, which means that it is likely that a lot of adults think the same. It was also concerning because some of these youth could become poachers in just a few years' time. This presentation is critical to changing the mind-set of the youth. It is very easy for poaching to become a free for all if poverty is seen as a viable excuse for poaching. The LAC team tried to emphasize that poachers are criminals.



During this reporting period, the LAC team updated the presentation to include further information on criminal aspects of wildlife crime. The presentation included information on Joseph Kony and the Lord's Resistance Army as a worst case scenario. The fact that wildlife crime is related to other organised crime like human slavery is mentioned. The team stresses the criminal aspect of poaching and trafficking and that once involved you cannot get out of it.

Since many youth have demonstrated in previous classes that they did not know that trafficking of wildlife products is also a crime, the LAC team realised that this needed further discussion in

schools, so this was added to the presentation. The team also explain to the students that even hiding the horns or carrying them for a family member is a crime. The LAC team explained that in the past young kids have been asked to stash horns in Namibia and that this is a crime. The message is to not get involved at all.

The police have shown concern that Walvis Bay is a major exit point for wildlife products. It's clear that, being a major port town, Walvis Bay is also home for traffickers of wildlife products. Swakopmund, being close to Walvis Bay, has also been seen as a key town where trafficking of products takes place. This reporting period, the team also visited schools at the coast.

For coastal schools, the presentation also included an additional coastal ecology and coastal trafficking section. This included a discussion of pangolin trafficking as well as the proposed live marine wildlife capture for the aquarium and medicine trade in China. At the time of the presentation, the team had just rescued 3 live pangolins that were found being kept at a Chinese restaurant. There was also a Russian ship docked in Walvis Bay harbour in order to conduct the capture of endangered orcas, dolphins, seals, African penguins, sharks and other species. These very real examples were discussed and the youth were highly impacted.



Students and teachers alike had a strong response to the presentations. The scholars were very interactive and interested. They were visibly upset by the rhino and elephant poaching crisis. Even with some of the larger groups with up to 525 students in a room, it was surprising that the overall majority of the students paid very careful attention, reflected upon the information, asked questions and responded enthusiastically to questions.

One student asked how guns originally got to Africa. The youth expressed concern that much of the problem with poaching on such a large scale started with guns. Another student asked that if he kills an elephant, eats the meat and keeps the tusks, can he still go to jail. This is important because it opened up a discussion about the crimes of elephant and rhino poaching. It was explained that it is illegal to also assist poachers or even carry the tusks or horns. The students had a very good understanding after the discussion.



In another situation, the principal gave a heartfelt plea to the higher grade students after the presentation. She bluntly stated that the students should not give in to requests from their uncles, fathers or brothers to assist in poaching. She said this as if she knew that it is already happening.

At another school a student asked if she can shoot a poacher if she sees on harming an animal. The team explained that she will also get into

trouble and go to jail for shooting a poacher even if she doesn't kill the poacher. They explained that she should go to the police to report it and that she could also testify and be a witness in a case if she sees someone poaching.

The youth became very concerned and asked what they can do to help solve the problem. They presented tips and pointers to raise awareness, such as to write letters to the president and to place posters around their school and town. The Team discussed the Constitution and the fact that the youth have a right to raise their voice in their democratic country. She told the youth that the Constitution protects the environment and wildlife for current and future generations and that the youth sometimes need to remind adults to make the right choices. The youth seemed very inspired to help solve the crisis. Many shared the wish to take leadership to stop wildlife crime.

One student wanted to start an army to fight wildlife crime and another stated that he will lay down his life for rhinos.



Students asked about work opportunities that can help protect wildlife. Several felt that there is such an urgency that they want to start getting involved immediately. The LAC team said that it is very important for them to stay in school, but once they are finished with school they can look for jobs in nature conservation and helping wildlife through tourism.

In one school, students lined up to share stories about the wildlife they have seen. Many of them have not had a chance to see rhinos, but several have seen elephants. They seemed to have a great pride, love and respect for these wild animals once learning more about them.

In another situation, a young boy came up to the team and said that he remembered them from a school where he used to study. He remembered the presentation and movies and was so happy that the project was also at his new school. It's encouraging to see that the youth do not forget the programme.

It really seems as though the programme is very inspirational and encouraging to the youth. They really are interested in making a difference after learning about the problem.

School principals were exceptionally supportive. One school was inspired to begin an environmental club because of the outreach effort. Another was inspired to rent a bus to take students on a field trip to Etosha. The teacher expressed gratitude for the youth becoming so engaged and interested in this topic. In another school, a school principal stated that wildlife are making the youth more interested in school. They are very excited to know that education can involve wildlife- it is a highlight for the students to discuss topics about wildlife.



In one school a principal was keen to bring knowledge from the outside world to his new school. He said that contributions from other initiatives to rural schools are rare and that they truly welcome the contribution. The principal of one Christian School said that the presentations about wildlife conservation and the environment should be part of morning devotion.

Some schools are directly in wildlife areas whereas other schools do not have a lot of wildlife left in their communities. In both situations, the teachers consistently ask if the team can come back again to show the students more about wildlife.



In a school with wildlife nearby, the teacher said that the elephants actually come through the school grounds often, but since learning more about these animals, they have learned that the best is just simply to stay out of their path. They have found that the elephants are no problem and in fact, the youth and the teachers have grown to love them, especially seeing how they look out for their family group. He said that the main issue between elephants and humans is misunderstanding.

In some schools where students have not seen a lot of wildlife, teachers often say that many of the students will never afford to be able to go see the wildlife for themselves and a program like this is critical to help the youth to get to know the wildlife of their own country and to be inspired to protect them.

Sadly, during this reporting period, the LAC team were informed of alarming concerns for the rural youth of Namibia. Several police officers, teachers and school principals have raised concerns about increased drug use in rural communities, especially amongst the youth. In some schools, teachers raised concerns for increasing drug abuse even in the primary school. The students start with cigarettes and that has led to marijuana and tablets. The youth are starting as early as 10 years old in some schools and teachers have seen kids dropping out of school and never returning. In one school, a principal said that students are facing an ongoing sense of hopelessness for the future. Being unsure if an education will even get them a job, it seems very difficult just to keep kids in school. Drugs and alcohol make this challenge even more difficult. A further concern is that, once addicted, the youth may assist poachers in some way to get “easy money.”



The teachers, principals and police expressed that the wildlife crime program and comic can help to address that problem since it relates drug trafficking as an issue relating to wildlife crime. It also gives the youth a sense of purpose and interest in their life. In order to address this issue further, the team extended their discussion of drugs and its relationship to wildlife crime. The team

also assisted in this situation by providing information on specialists from LAC that also deal with drug awareness.

Movies



As part of the school advocacy campaign, the LAC team also reached out to the youth with short movies about wildlife crime, the environment and becoming active in changing the course of the future. As part of this programme, the LAC team showed an animation movie called /Gasa about wildlife, cultures and poaching in Namibia. This movie was created to restore pride in Namibian wildlife, to revive stories that have been told in Africa

about wildlife, and to raise awareness about poaching of wildlife. It also was translated into most Namibian languages, making it easier to reach youth that have trouble understanding English or Afrikaans.

During this project period, the team went to new rural areas where English is not widely spoken. For these and for younger grades, the LAC team lead with the /Gasa movie which has spoken native language selection. The team used both the Damara Nama and Oshierero translations depending on the area they were working in. After the movie, the team held discussions with the assistance of a teacher or principal translating. Overall, students really appreciated the /Gasa movie and sat spellbound and found it entertaining and informative.

The youth were so grateful to get to see a movie about wildlife in class. The students were very responsive that the movies were in their home language. After the classes, some of the students taught the LAC team some of the wildlife names in their home languages. The youth really seem to look up to the team and appreciate that they look after their wildlife.

The team also used new films and movies to show to the initial 7 schools from the pilot project, in order to maintain contact. The new films include further issues around rhino, elephant and pangolin trafficking and poaching. The team continued to receive requests from these schools to come back



and have further discussions and comment that the youth have really responded to this issue.

They screened a few short Wild Aid videos which impacts and impresses the students. The video of Springbok rugby player Thendai 'Beast' Mtwaririra saving and holding Andre Bresler up in the air and then pleading for the life of rhinos and elephants is very effective. At the end of the video, the students were chanting - 'Beeast' who says “rhino poaching steals from us all.” They also showed Wild Aid videos from Kenya, where well known Kenyan stars show the impact of elephant poaching, stating that “elephant poaching steals from us all.” The one video shows orphaned elephants being bottle fed by these stars– something that they youth are very impacted by. The kids were very upset to see how bad the poaching epidemic is across Africa.

The BBC Earth documentary on Deserts was also shown. This documentary discusses the ecological importance of deserts worldwide. It includes the Namib, Gobi, Atacama, Sonoran and Sahara desert. It shows the rare and specialised wildlife that occurs in deserts worldwide. The aim is to broaden the scholars' view on the world and that there are other arid places worldwide. The youth really responded to the movie and were very proud of the wildlife they have in their desert region.

Another BBC Africa film on the Kalahari was also shown. This film shows scenery from the area where the youth live as well as Etosha National Park. The students were very interested in the movie and could identify with the wildlife that occurs in their area.

In order to discuss wildlife issues with the youth, the LAC team also showed a BBC documentary from the Africa series called the Future. This film discusses the challenges and the hope for conservation in Africa. The movie is a good representation of Africans who work to solve conservation and ecological problems on their own initiative. The students sat spellbound as they watched people combating deforestation and habitat



destruction, and saving species like black rhino, lion, elephants and green turtles. The production in itself is very inspirational. The LAC team asked the students several questions about the production and the students participated with gusto.

In one situation, the team showed the BBC film Africa: the Future to a school which coincided with their national tree planting day. It was a very relevant movie to show the students. The students were very interested in the rhinos, elephants, trees and ocean. They get visibly upset by

species struggling to survive against poaching, drought, global warming, deforestation and overpopulation. Upon asking the students questions about the movie, there was an overwhelming response. All of the students had something to say. They were especially inspired to learn more about each of the animals as well as how they can make a difference to save species and nature in general. They were very excited to participate in a tree planting after learning that their fellow Africans throughout Africa are also replanting trees to help prevent soil degradation and to help fight climate change.



Throughout the reporting period, the team also showed the youth numerous short WildAid videos and discussed wildlife crime further after the videos were shown. The LAC encouraged the youth to raise their voices against wildlife crime and also showed the youth films about environmental and wildlife caretakers like the Black

Mambas, Prince EA and Wangari Maathai. The girls in particular were very excited about the Black Mambas all female anti-poaching unit. The youth in general were very inspired by these environmental heroes and vowed that they will do what they can to stop poaching.

In every situation. The youth at the schools are so excited to be given the opportunity to learn about wildlife. In several situations, the students attend voluntary after school classes with the LAC team. In many situations, the rooms end up so full that some children climb in the windows from the outside just to learn more about the wildlife.

Creation and Distribution of Comic Books and Other Materials

Late in 2016, the LAC team discussed the idea of a wildlife crime cartoon comic book to be distributed to reach more youth and communities about the issue. They team exchanged ideas about a basic storyline, including several matters that happened with poaching in recent times and their approach as to how to address it with



the youth. The team then had a Skype call with the artist, Mitchell Gatsi. He accepted the approach and ideas and started working. The LAC team then finalised the dialogue, formalised the story line and reached consensus on the correct terminology. The Wildlife crime cartoon was published in December. Copies went out in the Namibian newspaper Holiday edition in December 2016. The team then picked up printed copies of the comic to distribute to the schools and people in the areas where wildlife crime is a problem.

In addition to the students that the team directly spoke to, LAC also hand delivered 4,965 comic books to students and teachers at these schools in additional outreach efforts. A further 555 comics were distributed to community members, youth not in school, conservancies, NGOs, tourism companies, MET and the police.



A member of the Protected Resources Unit at the coast was the first to congratulate LAC and was delighted by the comic and thanked LAC for the efforts. The comics were positively received by everyone the LAC team gave them to. The police officers were grateful and the youth received it very enthusiastically. Everyone looked favourably impressed and commented on the relevance of the venture.

One individual working for the Ministry of Health and Social services stated that nature is our church, and through the comics it is an effective way to preach about it. A police station commander commented that it is important to address it as part of organised crime, because drug abuse and drug smuggling is also becoming a problem in the area. Police in other communities were very grateful and also said that it helps them to be able to describe and address the problem. The Ministry of Environment and Tourism in the field was likewise very grateful for the comic and believe it will help change perceptions on the problem.

The CEO of Save the Rhino Trust was very grateful for the comic and asked for a stack of comics to distribute to staff and people he thinks that should read it. He said that the school advocacy programme is critical and none of the other NGOs have time to dedicate consistently to spread this message. He also felt it was very important to be able to distribute important information to the communities in written form.

Community members were impressed and they felt that it made it easier to talk about the problem to have a comic book to show people. Comic books were delivered to Headmen and Traditional Authorities. They expressed appreciation for the work. After having distributed the comics when the LAC team returned to the same communities they saw that people were still reading and sharing the comics. People were truly grateful for the initiative.

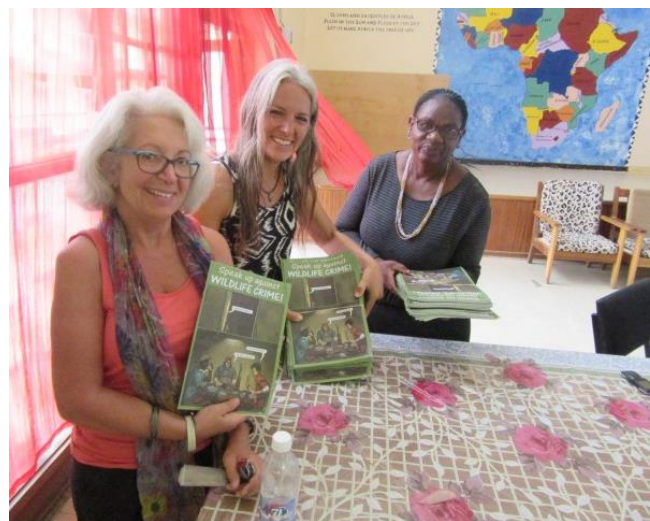


In tourism establishments, managers asked to use the comic book to educate clients. Some tourism establishments have raised concern that they do receive a large number of Chinese clientele and they are unsure whether all have good intentions as some of their clients have been linked to wildlife crime in the past. They expressed that they believe that the comic books will be useful to educate both their staff and clients, as they are located in hotspots for wildlife crime.

LAC continued to share the comic with conservancy offices, NGOs, international media and with the Game Rangers Association of Africa. They also shared it with DLA Piper/Robinson and Cole, the law firm assisting LAC with amending wildlife crime legislation. All were very complimentary of the comic.

The main point of outreach was with the youth, especially at the schools. The students were particularly enthusiastic and showed gratitude for the comic. Some of the students that the LAC team have taught remembered their names and were particularly grateful that the message is being brought further into the communities they are living in. The school principals and teachers were also very grateful in saying that the comic is an important educational tool, allowing the students to keep something to remember what they have been taught, and to reach students that have not been taught about the topic.

In one school, the environmental club suggested that they should distribute comic books in their community as a special project for the club, to be used to inform the community about wildlife crime. In another school where teachers are struggling to teach English, the teachers suggested that the comic



can even be used to help the children to improve their English language skills. He suggested that it be distributed among the students by their language teachers. The comic books are very popular and useful in spreading the message.

The teachers were very grateful for the comic books because it can remain a topic of discussion at school. The teachers asked for further materials so that they can continue the work that LAC started. The teachers expressed that the materials are particularly useful in the long term for their science and culture classes. They said that it will be very useful to show the students more videos about wildlife in the area, as it will really keep the youth inspired to protect these animals.

The LAC team made memory stick copies of the presentation, all of the short movies and background information and photographs of wildlife. They also obtained a copy of the /Gasa DVD for each of the rural schools addressed. The team also presented schools with wildlife identification posters upon request in order to help the youth to understand the wildlife better.



The resources were all gratefully received by students, headmasters and teachers alike. The teachers believe it is very important to include discussions about wildlife crime long into the future at their schools. The materials help to empower the teachers and students by providing a means to discuss the topic further in their classes.

LAC wrote articles on the school advocacy project for the Game Rangers Association of Africa's Namibian chapter.

LAW ENFORCEMENT / JUSTICE SYSTEM SUPPORT

In the initial Workshop, stakeholders agreed that there needed to be an increase in law enforcement capacity and support and improved communication with law enforcement officers. With regard to prosecution, it was recommended that specially trained prosecutors must be used to assist in prosecuting offenders under all available legislation through stiffer sentencing.



In this phase of the project, the LAC team continued to focus on the aspects of law enforcement / justice system support. The LAC team continued to partner with the Prosecutor General's Office, particularly through Danie Smal, a specialist prosecutor contracted by LAC. The field team continued to liaise with the police and the MET.

The team assisted with providing supplementary game counts in areas considered to be facing a poaching crisis for all species.

This information was shared with the Ministry of Environment and Tourism as well as WWF. It was agreed that springbok and gemsbok numbers are a concern and that it would be unwise to grant quotas for "shoot and sell" and that if the quotas are given that they would be strictly adhered to. Later in the reporting period, it became clear that the drought was also contributing to the loss of zebras and other game, making any use of quotas during severe drought very unwise indeed.

Intelligence Support Against Poaching (ISAP) also followed up with the LAC team to follow up with a giraffe poaching from 2015. They provided information and photographs to ISAP who said that they are looking at further issues where the same suspected people who could be involved in other illegal hunting activities. ISAP followed this up with MET's PS Malan Lindeque.



In another unrelated case, the LAC field team received a request for all available information on a situation that was reported by LAC in 2014 regarding suspicious activities that were not properly investigated after it was reported to authorities. The person who made the request stated that new information came to light that makes the information in the report relevant again. The field team then supplied the person with the original report as well as the requested further information including GPS coordinates.

The LAC field team continued to work with informants and pass the information on to the LAC team in Windhoek. There is an indication of intimidation of family members of informants. People are backing out of information sharing in fear of their family members being hurt. Some arrests have been made on the ground through work with special investigators.

The LAC field team also continued to work with police. In Etosha National Park, police officers from around Namibia are being sent in for 3 month long periods to assist in joint patrols with the Ministry of Environment and Tourism. Police officers that the team knows said that they still are unsure how to get the problem under control. The officer stated that there are a lot of rhinos but there is also a lot of shooting.

At the coast, an increase in pangolin trafficking was observed. In several cases early in the reporting period, suspects were arrested but only given fines. Pangolins became a major point of concern at the CITES COP meeting in September 2016. After that, all countries were expected to upgrade pangolin to Appendix I, granting them the highest protection under this international wildlife trade and trafficking law.



The LAC team assisted with a pangolin case from October 2016. In the case, three live pangolins were confiscated in Walvis Bay, as they were found in a plastic dustbin at a Chinese restaurant. They were apparently caught in the Okahandja area. The police brought the pangolins to the SPCA, but the LAC team was asked by the SPCA to assist in getting the pangolins released into the field.

The LAC team worked with both the Protected Resources Unit of the police as well as the Port Police. The Protected Resources Unit was very helpful, but explained that the investigation must first run its course and the statements must be made and submitted to the State Prosecutor prior to releasing the pangolins. Pangolins often die due to stress and do not cope with stressful conditions well. All parties understood this and were able to make the process move quicker than normal. By working closely together, the team was able to arrange the quick release of the Pangolins. LAC arranged to remove the pangolins from the SPCA and get them to the Mundulea Nature Reserve and the Rare and Endangered Species Trust (REST).

Unfortunately, two of the pangolins ultimately died from internal injuries, but one pangolin was able to return to the wild and is still alive and being tracked by experts.



The LAC assisted the Protected Resources Unit with the court case. The case is ongoing and remains complicated by the outdated conservation laws which give terribly low fines and sentences to crimes on pangolins. The law is further being complicated by the fact that Namibia was the only country in the world that voted against pangolins being upgraded to Appendix I at the 2016 CITES conference COP 17 in Johannesburg. Namibia's Ministry of Environment and Tourism

statement was that there is not enough known about pangolins and that there does not seem to be a problem as the police only have a few cases every year. Speaking to the pangolin experts in Namibia as well as the Protected Resources Unit itself, it is clear that the police see many more pangolin cases in a year than what was reported at CITES. The police believe that pangolins must be granted the strictest protection as they are considered the most trafficked mammal on the planet. The crisis for pangolins is far worse than for even black rhinos which have been listed as Appendix I species for an extensive time.

In 2017, CITES declared that all pangolins be upgraded to Appendix I throughout the world. This decision came into effect 90 days after the agreement, which took place at the end of September, which means that the legislation in Namibia did not need to be in place at the time of this pangolin case. Although CITES requires Namibia to list pangolins under Appendix I, this is only required for cross-border trafficking. In the situation with the recent pangolin case, the pangolins were confiscated within Namibia, so international law on the matter is only persuasive. At the time of the case, pangolin trafficking was not well covered under International or Namibian legislation. Because pangolins are not specifically protected under the possession clause in the Controlled Wildlife Products Act, this left a major gap in legislation for the most trafficked mammal on the planet.



The Protected Resources Unit further sought LAC's advice with the court case. LAC advised the police to get the court case delayed if possible to get an expert witness on pangolins to testify, so that the magistrate can give the stiffest sentence possible. The arrested suspects in this case was a

Chinese national, Yufei Shen and a Namibian, Stanislaus Limwaya. They were both released on N\$3000.00 bail. The case appeared on 29 November 2016 and has been further delayed through April 2017. The police have subsequently asked an expert to be a witness in the case. In the meantime, Namibia's legislation has a major gap and the police awaits for the new Bill to be passed as it hopefully has upgraded pangolins under the Controlled Wildlife Products Act.



LAC team members were asked by the police to write a Statement on the experiences during the pangolin case of October 2016. The police said it would be useful to strengthen the State's case against the accused and to demonstrate the chain of custody. LAC also mentioned in the Statement that two of the three pangolins died of stress related causes and injuries due to their deplorable ordeal. Only one could be successfully be reintroduced into the wild.

The LAC field team had a meeting with the police to discuss wildlife crime further. The police stated that they do see a lot of cases for pangolin and that they must have a much higher status in terms of the law. When asking about the claim by Namibia in the CITES report that there are few pangolin cases in a year, the police officer was adamantly opposed to this statement. The officer said it is a major problem and said further that local magistrates and prosecutors are rarely informed about pangolins and why they deserve protection.

The officer also discussed the fact the cases against Chinese nationals are tricky. They often try to challenge the Protected Resources Unit's knowledge of pangolin in court. The officer asked for advice with how to describe pangolin in other ways and how to argue for their strictest protection.

Another issue that Namibia is facing is lion bone trafficking. Over the past year the LAC team has been alerting the authorities that the lion bone trafficking issue will likely become a greater problem in Namibia. The latest information shows that this is in fact the case. See <http://www.lionaid.org/news/2016/10/namibia-enters-the-lion-bone-trade-to-asia.htm>

The problem is that the blanket exception for human-wildlife conflict has been used often in the last year as an excuse for killing lions, particularly in times of drought. Because these cases are often not seriously investigated, these lions could be used for parts that end up in the illegal wildlife products trade. This was further mentioned to DLA Piper/Robinson and Cole who are assisting in making recommendations to upgrade legislation to better cover wildlife crime.

LAW REFORM SUPPORT

Under the initial law reform strategies formulated in the Workshop, it was considered a priority to amend legislation to provide for stronger penalties, to rectify loopholes and to establish new

legislation for wildlife crime issues not already covered under law. In addition, under law reform support, it was considered critical to identify priority wildlife areas where detrimental mining activities are addressed. During this funding period, the LAC addressed both issues.

Amendments to Legislation

The LAC team assisted arranged for meetings and activities with DLA Piper/Robinson and Cole Law Firm, a USA based law firm who is in the process of assisting LAC and the Prosecutor General's office in reviewing and making suggestions for wildlife crime legislation in Namibian Law. Two representatives came to Namibia in September for interviews and a field visit.



The LAC team assisted in arranging meetings along with a field trip for the law firm. The LAC met the law firm in Windhoek, had meetings and then proceeded to guide them in the field for further meetings. They were visiting Namibia in order to see how the conservation legislation can be improved to make the Namibian law more effective to serve as a deterrent for poachers and wildlife criminals.

The LAC team spent a lot of time having discussions with Sorell Negro and Jordan Lesser from DLA Piper/Robinson and Cole. The LAC explained to them their project as well as their and strategies and observations over time along with the conditions in the field.



LAC made several suggestions on the legislation. They discussed a few important loop holes in the Nature Conservation Ordinance that need to be corrected. One includes certain loopholes for hunting and another includes human-wildlife conflict loopholes. Since lion bones are becoming another highly trafficked wildlife product (to replace tiger bones), it is critical to look at human-wildlife conflict loopholes. Currently,

human-wildlife conflict might be used as an excuse for killing lions. The problem is that people may use this as an excuse to kill lions for their bones that are set out for the international criminal

trade in wildlife products. This may ultimately lead to increased poaching of lions for bones being masked under “human-wildlife conflict” and not being investigated as serious crimes in Namibia.

The LAC also alerted the team that pangolins should be given a higher listing and pangolin trafficking should be also considered a serious wildlife crime, as it is considered so in the international arena.

Meetings in Windhoek were held with other NGOs and government staff. In the field, there were meetings with police officers. One Station Commander gave the team a breakdown on conditions in the field. He explained that he believes it is not locals doing the poaching but that they might be aiding and abetting the criminals. LAC related that it must be made clear to the locals that aiding and abetting poachers is also a crime.

An Inspector said that one main challenge is in the prevention of poaching. If there is a rhino poached, then it means there has been a failure in law and order doing its job. He said there needs to be better equipment including 4x4 vehicles and SAT phones. He said the poachers are better equipped than the police.



He also said that there should be very clear laws made about Tourism Concession areas. He said that these areas should not allow anyone in without a permit and certainly nobody should be allowed in with a gun. If that is made clear by law, then the police can automatically know someone has ill intentions when found in the Concession with a gun. Currently many people carry guns in the Concession and state that they have

it for protection, in particular to protect their cattle. He said it will be easier for the police if the law in Concessions is made abundantly clear. It was also discussed that Conservancies likewise need better clear regulations about what is or isn't allowed.

The Inspector shared many stories and related the story on how his team was fired upon by poachers. He was very grateful to the efforts of the LAC team to amend the legislation which will help the police. He believes that enforcement officers become complacent when they work hard to catch poachers and then the poachers get off with low sentences. If the law is amended to make a very strong deterrent, it will play a critical role to assist enforcement officers in becoming more determined.

Another interview was held with a lodge manager who has a wealth of knowledge actively assisting and supporting the police in their work. The manager reiterated many of LAC's suspicions, findings and observations.

The legal team also had a meeting with the Prosecutor in Opuwo. It was the same day when the five convicted rhino poachers were sentenced at the Opuwo Magistrate's court. The sentences turned out to be very disappointing. The convicted poachers only got 6 years each. The main reason is due to lack of evidence.

The Prosecutor discussed the fact that lack of enforcement to prevent poaching is the first problem. He said there is a major failure in prevention. He said there are numerous routes that poachers can use which makes it difficult to catch them. He said that there are also a lot of people aiding and abetting the criminals which makes it difficult.

The Prosecutor said that a major failure is in the investigations at the scene of crime as well as follow up investigations. He said that evidence is a major problem. He said it is often lacking and tampered with. In some cases they have found fingerprints of officers all over evidence which could be challenged with a good defence lawyer. He said that follow up investigations are lacking. People who should be questioned are not questioned. He also said that he is unsure whether it is a lack in training, but the officers often do not read the suspects their rights or follow constitutional procedures correctly. He said that he has spent a great deal of time trying to guide the police in getting better evidence for all of the cases he sees, but he has found that there is often a lack in response by the police. He said this is one of the major reasons that cases either get thrown out completely or the unfortunate low sentences people are observing. Changing the legislation to higher sentencing will not resolve this issue.

He said that with wildlife crime cases, it has improved since the Protected Resources Unit opened an office in Kamanjab. He said the office is very professional, easy to work with and responsive to his suggestions with gathering evidence. The Prosecutor was also grateful that due to raising awareness about the court being overworked, he also has an additional prosecutor to assist on cases. He has been training this Prosecutor in wildlife crime and the importance of getting the highest sentence.



Sorell Negro and Jordan Lesser asked LAC if they can provide some documentation of lessons learned in the initial project. The LAC sent them several documents regarding this.

After the lawyers from DLA Piper/Robinson and Cole left, LAC were asked to review the Draft document by the lawyers regarding “The Need for an Environmental Court and Special Prosecutors for Wildlife Crimes in Namibia and Proposed Legislation. The LAC field team made comments and corrections of the report and then had a meeting with Sorell Negro and Jordan Lesser of DLA Piper/Robinson and Cole over Skype.

There were some discrepancies in poaching statistics which were addressed. In addition the pangolin trade ban was discussed. There were extensive discussions on the draft legislation on the Environmental Court with discussions of the best terminology and procedure to be used. Further discussions were held with regard to what types of cases the court might be able to see.



After this was discussed, Sorell also submitted a document on the proposal for draft legislation to increase penalties for wildlife crime. In the Draft by DLA Piper/Robinson and Cole, there was a suggestion for a sentencing scoresheet which may be too complicated to implement.

The LAC continued to liaise with Sorell Negro of DLA Piper/Robinson and Cole. Sorell asked for a quote about the usefulness of the project to be used internally in a law firm newsletter. LAC provided the following quote:

“...it is quite clear that Namibia is not immune to the onslaught of wildlife crime syndicates Africa has been facing over the last number of years. In fact, the enormity in which Namibia’s endangered species are targeted by these syndicates, has reached critical measures. While some efforts have been made to “put more boots on the ground”, very little thought has been given to amend our legislative framework as it relates to wildlife crime. At present, our legislative framework does not reflect the seriousness of wildlife crime and the devastating impact this has on our biodiversity and economy. In other words, the punishment does not fit the crime. It is in this regard that the LAC is extremely grateful to DLA Piper/Robinson and Cole for reviewing the legislative framework of Namibia, especially as it relates to wildlife crime. We sincerely hope that this review will contribute to the Namibia Government’s efforts in bringing appropriate changes to a somewhat outdated legislative framework.”

The DLA Piper/Robinson and Cole team asked for more details and sources regarding rhino poaching statistics; LAC provided further information. DLA Piper/Robinson and Cole held a discussion of the Ivory Game in the USA to try to encourage more lawyers to get involved in fighting wildlife crime. In addition, DLA Piper/Robinson and Cole published an article in the Guardian. The article can be found here:



<https://www.theguardian.com/vulcan-partner-zone/2017/mar/22/the-international-lawyers-taking-a-stand-against-namibias-poaching-crisis>). The group has also held discussions in the USA about whistle-blower protection.

LAC continued to follow up with requests to review documents looking at critical amendments to wildlife crime legislation. LAC is currently reviewing these documents. The wildlife crime law report and proposed legislation amendments need further review by people with a technical understanding of implementation. LAC has identified a few specialists. The LAC team will continue reviewing these as well and submit their comments in May and June 2017. LAC has liaised with DLA Piper/Robinson and Cole to hold a wildlife crime legislation amendment workshop in July 2017 in Windhoek. All critical stakeholders will be invited including the Prosecutor General's Office, the Inspector General's Office, and field officers of the Namibian police, the Ministry of Environment and Tourism and NGOs.

An urgent Nature Conservation Amendment Bill, which has made it through Cabinet was supposed to be tabled by the end of November 2016, but this has not happened yet. It should include new penalties for hunting & possession with 25 years and/or 25 Million Namibian Dollars as punishment for illegal hunting of rhino or elephant as well as possession of ivory and horns. The LAC have requested that as soon as this Bill is tabled that they receive a copy to get to police officers currently working on cases.

Mining in Critical Wildlife Areas

As it was considered critical to address mining issues in priority wildlife areas the LAC team addressed this issue during this funding period. During this reporting period, mining activities were reported by the LAC field team in several areas, including in the Erongo Region in the Ugab River and around the Brandberg area as well as the Kaokoveld area.

A proposed titanium mine in the Ugab River was stopped as a result of the efforts of a group of NGOs including Namibia Nature Foundation and Save the Rhino Trust as well as efforts of local conservancies. Environmental Clearance for the venture was not granted by the Environmental Commissioner after letters were submitted to him stating that the area is a sensitive area for the critically endangered black rhino



and they must not be disturbed or displaced. The project would have exhausted the aquifers in the area. There is another large titanium mine in a nearby area, the Goantagab, which remains active.

Meanwhile, another proposal by the South East Atlantic Mining Company (SEAMCO) for a copper processing facility in the Kaokoveld on the banks of the Skelm River came to the attention of LAC. The LAC team attended a site inspection and a meeting by representatives of the mining company and the Environmental Impact Assessment (EIA) team. LAC registered as an interested and affected party as part of an EIA

On their way to the meeting on the C43 road between Opuwo and Sesfontein they noticed the marked increase of quarries of different sizes in the area. There was also earth moving equipment that suggested that not all these excavations are made by hand.

The copper processing plant will cover an area of 16 hectares. It will include 4 processing dams of 40 x 6 metres and an open plan crusher. It is being established to serve the numerous copper mines in the area. At present the copper ore is being transported to Tsumeb for processing. This facility will enable the ore to be processed on sight and then transported for shipping straight to Walvis Bay. It would be interesting to know where the ore is being shipped to.

The LAC team met with other stakeholders including the CEO of Save the Rhinos Trust (SRT), Namibia Nature Foundation (NNF), Integrated Rural Development and Nature Conservation (IRDNC), Cheetah Conservation Fund (CCF), Traditional Authorities and leaders from Anabeb Conservancy. Issues regarding the copper processing facility were discussed. Everyone is concerned that pollution and poaching will be problematic for people and wildlife in the area.

Most of these stakeholders attended the public meeting on the scoping phase in the rural community of Omao. Even before the meeting, the gathering was met with torrents of rain. In a matter of minutes the Skelm River and its tributaries filled up with rushing waters that sped down the mountain towards the Hoanib River. The SEAMCO report described the area as having "extreme aridity and minimal runoff." This rain storm demonstrated clearly that all runoff from the processing plant will reach the Hoanib River.



If the waters are contaminated with chemical waste and mineral pollution, this could have far reaching effects on people, livestock and wildlife.



The LAC team pointed this out to everyone present at the meeting. They stated that the Hoanib River catchment area is of great importance to the ecology of the area. It has several well established tourism ventures that serve the communities. It is home to desert elephant populations and other desert adapted species.

LAC compiled a list of questions, comments and concerns during the scoping phase and sent them to the

EIA team for the company SEAMCO. They also further commented on the scoping report.

The company SEAMCO stated in their scoping documents that there is very little wildlife in the immediate area of the plant. It mentioned only migratory birds. LAC informed the proponent that this information is false. The Skelm River, in close proximity of the proposed copper processing site, is host to a high species diversity of mammals, birds, reptiles and plants- several of them endangered, vulnerable end endemic species.



LAC mentioned that there is a migrating elephant population and gave research documents on this. Mountain zebra, kudu, gemsbok, springbok, klipspringer, steenbok are ungulate species that occur in considerable numbers and also migrate through the area. Bird species include the near endemic Ruppels korhaan, Ruppels parrot, rosy faced love bird and Monteiros hornbill. Along the mountain slopes south of the site occurs many plant species including several endemic commiphora, sterculia, albizia and even baobab.

The LAC team also pointed out that the Ministry of Mines and Energy has admitted in a report that copper processing has caused people to fall sick in Tsumeb. There is proof that copper also contaminates the soil that plants are grown in.

Of major concern is that the proposed site is at the start of the Skelm River Gorge, where it starts its drainage towards the Hoanib River. It was clear from the meeting that flooding in the area can be a problem, and this would likely cause the release of pollution over a large area. The fact is that the Skelm River is a major tributary to the Hoanib, which is a river of great importance in the area for both people and wildlife. The lower Hoanib will also be affected by runoff from the Skelm River.

After submitting comments during the scoping phase, the LAC received the final scoping report that states that the company will apply for Environmental Clearance based on the scoping report and do not intend to conduct a full Environmental Impact Assessment.

According to the Executive Summary of the Scoping Report the mining activities are done manually (pick and shovels) on a small scale. It also states that the life span of the processing plant could be only 3 to 5 years, depending on the copper demand, but that decommissioning of the plant might not be necessary.

LAC have found a marked increase of copper quarries in the area in a relative short period. There was also earth moving equipment in the form of a back actor, visible and large quantities of copper ore in bags on the side of the road. Increased mining due to the fact that there is a planned

processing facility nearby will necessarily have its long term environmental impacts for the region.

It is doubtful if mining activities and exploration will decrease once the facility is in place so LAC is unsure if decommissioning of facilities will be considered. The study should have addressed long term impacts, something that is not complete in the scoping report. Further studies are absolutely needed for this.

The establishment of small copper mines in the Ombonde river area, east of the small Serengeti plains, between the Omatendeka and Ehirovipuka Conservancies, strangely coincided with black rhino poaching in the adjacent area. This remains an ongoing concern that by providing a processing facility for copper, mining will increase and poaching will also increase. SEAMCO has responsibility in that it creates a large impact by bringing a facility to the area. These impacts are yet to be addressed in the scoping report, along with numerous impacts the LAC team questioned in previous correspondence with the proponent.

A scoping report is simply not enough to answer the questions posed by the LAC team and a full EIA must be completed to gain further insight into actual environmental and social impacts that can occur as a result of the processing facility.



The report states that although the copper processing plant is situated in in the Ombujokanguindi Conservancy, copper from other conservancies will also be processed. It needs to be kept in mind that any negative effects from the copper processing facility will affect other conservancies and communities. All the other conservancies and villages needs to be made aware that they can be affected by this copper processing plant. LAC does not believe this has been done.

Although it is true that sulphuric acid may be neutralised, if it is washed into the Skelm River, the contamination of other chemical by products from the processing plant should be examined. Are there other harmful chemicals and minerals that may be released to have a detrimental effect on the water and soil? Specialist knowledge is required for that and the possibilities of this should be examined. This is still a concern, keeping in mind that the Skelm River flows annually and reaches the Hoanib River where communities and wildlife can be affected.

Therefore the precautionary principle must be implemented in accordance with Namibian law. In order to implement the precautionary principle both environmental impact studies and further public consultation with additional communities needs to be completed in an EIA. Otherwise the

scoping report, if approved for Clearance, will be undermining the precautionary approach, as no Clearance should be granted based on incomplete studies.

COORDINATION SUPPORT

In accordance with the Workshop strategies, stakeholders agreed that it is critical to coordinate efforts and to strengthen cross-border partnerships. The field team continued to coordinate with the prosecutors, police, the MET, members of the community including Conservancy personnel, and other NGOs such as World Wildlife Fund (WWF), Integrated Rural Development and Nature Conservation (IRDNC), Namibia Nature Foundation (NNF), Save the Rhino Trust (SRT), Elephant Human Relations Aid (EHRA), the Africat Foundation, Cheetah Conservation Fund (CCF) and the Giraffe Conservation Foundation (GCF), among others. During this reporting period, the LAC also developed cross-border partnerships.

LAC participated in a Wildlife Crime Technology Workshop in Malawi to improve international cooperation in African countries through technology to combat wildlife crime. Delegates from Namibia, Tanzania, Zambia and Malawi were present. The focus was on information technology and how to use it to improve cross border cooperation to combat wildlife crime. It has become clear that the lack of information sharing across borders can prevent larger criminal networks from being adequately tackled. However, without government to government agreements on this information sharing, it looks like this will remain a major constraint to tackling wildlife crime syndicates.



It was interesting to compare notes with other NGOs who have been instrumental in exposing a major Chinese organised criminal syndicate that trafficked more than 80 tons of ivory from Tanzania to China. Several key perpetrators were arrested. It became the subject of the documentary film, the Ivory Game. Tanzania lost almost 50% of its elephant population since 2007 after they strengthened their business ties with China. There remains a problem with lack of whistle-blower protection, however, and those who helped the government to expose the syndicate now face increasing threats.

CONCLUSION

It has become clear that the prevention of wildlife crime requires a multi faceted approach on a national and regional level. It is not the responsibility of single Ministries, law enforcement agencies and NGO's to help address one or more aspect of the problem. It is a national responsibility.

Where ever there seems to be an opportunity to address a certain aspect of wildlife crime, organisations and individuals should step into the breach and get involved.



The LAC team has identified several of these opportunities and utilised their resources and talents to address the challenges presented by wildlife crime. Wildlife crime advocacy among the youth, environmental education, law reform, activism and assisting the police, are but a few areas where LAC has become involved.

LAC hopes that other organisations will answer the call and also get

involved to actively combat this scourge that is slowly eroding away Namibia's wildlife and natural assets.