



TRAFFIC
the wildlife trade monitoring network

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TRADING YEARS FOR WILDLIFE

AN INVESTIGATION INTO WILDLIFE CRIME
FROM THE PERSPECTIVES OF OFFENDERS IN NAMIBIA

*Dominique Prinsloo,
Sacha Riley-Smith,
David Newton*

TRAFFIC REPORT

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LEAD AUTHOR

Dominique Prinsloo

PROJECT SUPERVISOR

Adam Pires

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Marcus Cornthwaite

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This photo was taken for Save The Rhino Trust at DeRiet village in Namibia where communities are working together to combat wildlife crime – Hugh Lippe.

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FOREWORD

NAMIBIAN CORRECTIONAL SERVICE

As a member of the International Corrections and Prisons Association (ICPA) as well as the African Correctional Services Association (ACSA), Namibia strives to be Africa's leader in the provision of correctional services. The Namibian Correctional Service (NCS) aims to actively promote policies and standards for humane and effective correctional policies and practices.

The promulgation of the Correctional Service Act, 2012 (Act No. 9 of 2012) which replaced the Prisons Act, 1998 (Act No. 17 of 1998) brought about a significant change to support modern correctional approaches. NCS has amended its organisational structure to align to the new correctional approach, where all offices have staff dedicated to rehabilitation and reintegration as well as performance management to implement the Offender Risk Management Correctional Strategy (ORMCS).

The ORMCS suggests, essentially, that no two offenders are alike in terms of what factors may have precipitated their offending, the 'risk' they may present for future offending, the 'needs' that they may have and in terms of their motivation to address those needs and work towards changing their lifestyles.

The ORMCS aims to assess and document these differences so that:

- i. offenders can be managed more effectively according to the risk/needs profiles they represent and gives direction to efforts at possible reintegration and
- ii. correctional officers, through this increased understanding of the risk/needs profiles of the offenders they manage, can become more active and focused in their interactions, thereby once again enhancing security within correctional facilities and contributing more directly to the challenge of offender reintegration.

Upon the initial reception and objective security classification of offenders, it is vitally important for correctional officers to know about the seriousness of the offender's crime, their role or involvement in the crime and the value of any illegal property forming the subject of their case. All these factors affect the offender's risk profile and ultimately the approach used by NCS for their management, rehabilitation and reintegration. This information is not readily available for offenders involved in wildlife crimes and how they fit in the bigger picture of the illegal wildlife trade (IWT).

When TRAFFIC approached NCS in 2019 proposing research involving interviewing wildlife crime inmates in Correctional Facilities in Namibia, we were excited to endorse this study and were grateful that a gap in our knowledge of wildlife crime would be fulfilled. This report exceeds our expectations and the knowledge gained on socio-demographic and psychographic information will be taken into account for future strategy development.

I would like to commend TRAFFIC on this report and the recommendations thereof. We look forward to working with TRAFFIC again in the future and continue to increase our knowledge on wildlife crimes and the offenders who commit them.

Raphael Tuhafeni Hamunyela

Commissioner-General of Namibian Correctional Service
Ministry of Home Affairs, Immigration, Safety and Security



TRAFFIC

TRAFFIC is a leading non-governmental organisation working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development.

PROJECT BACKGROUND

ABOUT THE CWCP

Combating Wildlife Crime in the Namibia and Kavango-Zambezi Area Project (CWCP)

In 2017, TRAFFIC joined the CWCP to assist in achieving the objectives of increasing the population of rhinos in Namibia and stabilising the range of Kavango-Zambezi elephants by countering the growing threats from transnational wildlife crime. The countries of the Kavango-Zambezi Transfrontier Conservation Area (KAZA-TFCA) include Angola, Botswana, Namibia, Zambia, and Zimbabwe. The CWCP is implemented by the World Wildlife Fund (WWF) in collaboration with 13 consortium organisations and agencies, including TRAFFIC. One of TRAFFIC's objectives under the CWCP is to research illegal wildlife trade dynamics in and across the KAZA TFCA and the five countries in which this area lies.

ABOUT USAID

The United States Agency for International Development (USAID) is responsible for the majority of overseas development assistance from the United States Government. It works to end extreme poverty and promote resilient, democratic societies while advancing security and prosperity for America and the world. This report was made possible with support from the American people delivered through USAID. The contents are the responsibility of the authors and do not necessarily reflect the opinion of USAID or the U.S. Government.

ANONYMITY

This document makes extensive use of offender transcripts and dialogue. The identity and any identifying personal features of each offender remain strictly confidential.



ACRONYMS AND ABBREVIATIONS

ACSA	African Correctional Services Association
BCC	Behaviour Change Communications
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CWCP	Combating Wildlife Crime in the Namibia and Kavango-Zambezi Area Project
ICPA	International Corrections and Prisons Association
HWC	Human-Wildlife Conflict
IIU	Intelligence and Investigation Unit
IWT	Illegal Wildlife Trade
KAP	Knowledge, Attitude, and Practices
KAZA TFCA	Kavango-Zambezi Transfrontier Conservation Area
MEFT	Namibia's Ministry of Environment, Forestry, and Tourism
MoJ	Ministry of Justice
NAD	Namibian Dollar
NAMPOL	Namibian Police Force
NNF	Namibia Nature Foundation
NCS	Namibian Correctional Service
ORMCS	Offender Risk Management Correctional Strategy
PRD	Protected Resources Division of NAMPOL
SADC	Southern African Development Community
USAID	United States Agency for International Development
USD	United States Dollar
ZMW	Zambian Kwacha

SUMMARY

WILDLIFE CRIME OFFENDER INTERVIEWS

SPECIES INVOLVED

The number of cases according to the species involved.



45

WILDLIFE CRIME OFFENDERS

were interviewed in six locations

- ☒ Hardap
- ☒ Windhoek
- ☒ Evaristus Shikongo
- ☒ Oluno
- ☒ Elizabeth Nepemba
- ☒ Divundu

LOCATIONS

25 OF 31
CASES
originated in Namibia

23
DESTINATIONS
were in Namibia

CHINA AND ZAMBIA
WERE REVEALED AS DESTINATION COUNTRIES



INVOLVEMENT THROUGHOUT THE SUPPLY CHAIN



Offenders took on numerous roles in the IWT supply chain, including:

SOURCING
TRADING
SUBSISTENCE

TRAVEL
FACILITATION
STORAGE

SUMMARY OF MOTIVATIONS AND DEMOGRAPHICS

FINANCIAL

19

OFFENDERS

sought funds to fulfil basic needs

SOCIAL

10

OFFENDERS

became engaged as a favour to an acquaintance, friend, or family member

NUTRITIONAL

5

OFFENDERS

used the products for local consumption

CURIOSITY

6

OFFENDERS

were unaware of the species or product and attempted to find out more

INNOCENCE

3

OFFENDERS

claimed to be innocent

FUNCTIONAL

2

OFFENDERS

engaged in IWT to protect livestock or dogs

OFFENDER DEMOGRAPHICS

GENDER

MALE 100%

AGE

30–39 43%

HIGHEST EDUCATION RECEIVED

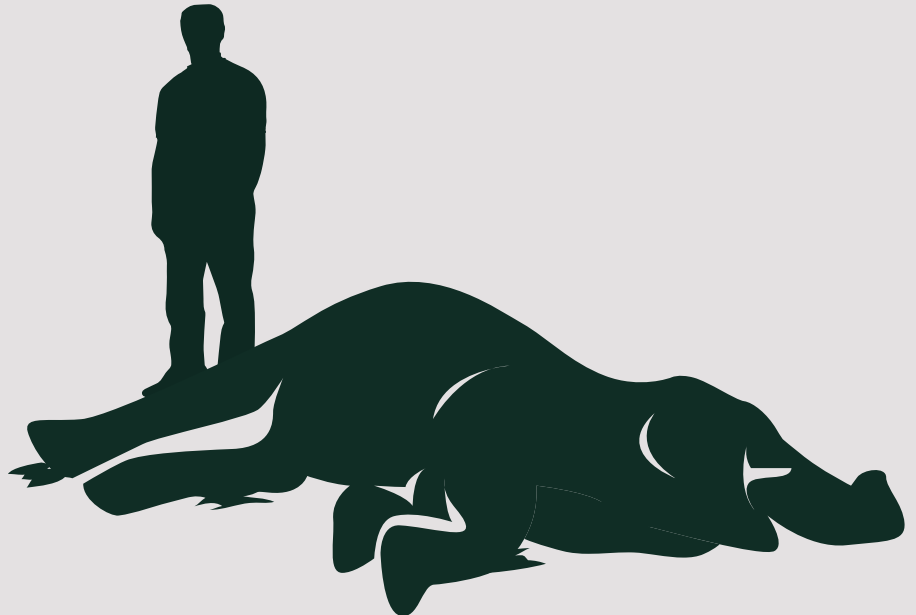
PRIMARY SCHOOL 40%

NATIONALITY

NAMIBIAN 44%

DEPENDENTS

1–4 CHILDREN 70%



RECOMMENDATIONS

The results of this study provide considerable insight into the socio-demographic and psychographic profiles of low-level offenders, as well as the nature and *modus operandi* of their crimes.

Reducing the number of criminal offences that occur may ultimately require a more expansive and holistic approach, beyond enforcement and application of the law as it stands today, such as:

CHANGING BEHAVIOURS AS A PRE-EMPTIVE STRATEGY

Community game guards of Wuparo Conservancy, Namibia, on field patrols

INTRODUCTION



IN MANY DEVELOPING COUNTRIES, WILDLIFE IS AN ENGINE FOR TOURISM, JOB CREATION, AND SUSTAINABLE DEVELOPMENT, ESPECIALLY FOR AREAS THAT ARE STILL STRUGGLING WITH POVERTY BUT ARE RICH IN NATURAL RESOURCES.

- (Zacarias and Loyola, 2017)

Wildlife-based tourism brings significant ecological, cultural, and economic benefits to people and communities, and it plays a pivotal role in the current economy of Namibia as it is one of its fastest-growing economic sectors (Jones *et al.*, 2015).

The widespread use of community conservancies in Namibia, where communities take responsibility for the conservation and management of natural resources but must comply with conservation regulations, has mostly proved to be a successful approach. Communities within these conservancies receive many benefits, such as employment and empowerment in rural areas (Anon., 2018). The surge in tourism and consumptive wildlife use (conservation hunting) has led to a substantial increase in the total cash income and in-kind benefits generated in conservancies from less than NAD1 million (USD192,215) in 1998¹ to more than NAD147 million (USD11,669,900) in 2018² (Anon., 2018). In Namibia, there are 86 conservancies registered by the Ministry of Environment, Forestry, and Tourism (MEFT), covering around 20% of the country (Anon., 2019a), and more than 40% of the country is under some degree of conservation management (Anon., 2017).

¹ USD192,215 at USD1 = NAD5.20; 1998

² USD11,669,900 at USD1 = NAD12.60; 2018



THE RISE IN POACHING LEVELS IN NAMIBIA

Commercial and subsistence poaching in protected areas is on the rise. The extent of loss sustained by Namibia on account of the Illegal Wildlife Trade (IWT) is not reliably quantified (Anon., 2017). Wildlife populations for some of Namibia's most iconic species—African Elephant *Loxodonta africana*, and Black Rhinoceros *Diceros bicornis*—are currently under threat due to IWT, and increased poaching in recent years is damaging their otherwise healthy populations. Poaching of Black Rhino was relatively low until 2013, with the country losing only 16 animals to poaching between January 2005 and December 2013 (Anon., 2017). Since then, Namibia has become a key country for illegally sourced rhino horn with the number of reported poached carcasses since 2014 (24) increasing four-fold in 2015 (97). Subsequent years have seen a declining trend with 61 in 2016; 44 in 2017; 57 in 2018 (Anon., 2019b), and 45 in 2019 (Anon., 2020), which is encouraging, but poaching numbers are still significantly higher than the pre-2014 period. The succession of droughts in Namibia since 2013 has also culminated in many rhino mortalities in 2019 (T. Petersen, MEFT, *in litt.* to D. Prinsloo, July 2020).

Given the increase in commercial poaching in protected areas in Namibia and the neighbouring states in the Kavango-Zambezi Region (KAZA region; Figure 1B), responses to poaching from the Namibian government have also increased (Anon., 2020; Immanuel, 2017; Shapwanale, 2018). MEFT

enhanced its anti-poaching efforts with positive results (Shapwanale, 2018). In 2017, the Namibian government increased the penalties for illegal wildlife trafficking through an amendment of the Controlled Wildlife Products and Trade Act 9 of 2008 whereby penalties for the illegal possession of controlled wildlife products such as elephant, rhino, and pangolin, increased from a fine of NAD20,000 (USD1,586) or five years imprisonment to NAD15 million (USD853,611) or imprisonment for up to 15 years, or both. Furthermore, dealing, export or import of these products can result in a fine of up to NAD25 million (USD1,422,680), or imprisonment for up to 25 years, or both. Launched in mid-2018, Operation Blue Rhino is a formal collaboration between the Intelligence and Investigation Unit (IIU) under the Wildlife Protection Services Division in MEFT and the Protected Resources Division (PRD) of the Namibian Police Force (NAMPOL). It was established to link conservation and law enforcement closely (Anon., 2020). According to an annual report released by MEFT and its conservation partners, 2019 was a successful year due to flexible funding, which enabled the Blue Rhino Task Team to respond rapidly and conduct field operations using modern surveillance and forensics technologies (Anon., 2020). These, together with building investigation and prosecution capacity as well as cross border collaboration, resulted in numerous successful investigations and pre-emptive arrests in 2019 (Anon., 2020). These investments demonstrate Namibia's commitment to criminal justice responses to IWT.

³ Commercial poaching refers to the participation in illegal wildlife and forest activities to generate large profits.

⁴ In this report, the KAZA region refers to areas within the five countries that form part of the KAZA TFCA. Therefore, when referring to the KAZA region of Namibia, this includes the Kavango East and Zambezi Regions.



STILL AN ONGOING ISSUE

Unfortunately, despite the dedicated work to introduce conservation and law enforcement resolutions to address the challenges of IWT, the problem persists and there are continuing incidences of domestic and international IWT in Namibia. While many types of crime have been extensively studied within the fields of criminology and sociology, less is known on how and why individuals commit wildlife crimes.⁵

The motivations of offenders to engage in IWT and the circumstances leading to their arrest are not always well understood. Only a handful of studies have provided information about the offenders who are cited for wildlife crimes, including those in Nepal (Paudel *et al.*, 2019), USA (Crow *et al.*, 2013), and South Africa (Hübschle, 2017; Moneron, *et al.*, 2020). This wildlife crime offender study builds on earlier research that identified the motivations behind poaching and factors affecting compliance to wildlife laws by local communities in Namibia's Zambezi Region (Kahler and Gore, 2012). However, TRAFFIC's study is the first of its kind to explore the socio-demographic characteristics, underlying knowledge of the law surrounding IWT, and the *modus operandi* of wildlife crime using offenders imprisoned in Namibia as study subjects. Understanding the socio-demographic characteristics and behavioural profiles of wildlife crime offenders at the local level will inform law enforcement efforts. It will also provide valuable information for the development of complementary behaviour change communications (BCC) prevention work. This research aims to:

1

DEMOGRAPHICS

Provide socio-demographic characteristics of offenders who have been interned for wildlife crime,

2

IDENTIFY TRENDS

Identify patterns in the *modus operandi* of people engaging in poaching, smuggling, and possession of wildlife products; including roles and locality, and identify what species/products are being poached/traded,

3

DRIVERS AND IMPACTS

Provide a better understanding of the underlying drivers and impacts of wildlife crime at the local level by exploring the personal experiences, perceptions, and attitudes of individuals who have participated in wildlife crime.

The research findings will be used by NAMPOL and MEFT's IIU to target their law enforcement activities more effectively and will also provide the basis for recommendations on how to address the underlying drivers of wildlife crime better.

⁵ Wildlife crime refers to biodiversity and poaching related criminal offences as described by law, thus distinguished from IWT, which includes the poaching or other taking of protected or managed species and the illegal trade in wildlife and their related parts and products (Anon., 2016b).

METHODOLOGY

LOCATIONS

Namibia has 13 correctional facilities across the country which are managed by Namibian Correctional Service (NCS) under the Ministry of Safety and Security of Namibia.

As of 1st April 2019, the 13 correctional facilities across Namibia hosted 4,502 offenders, of whom around 80 representing 1.8% of the prison population were imprisoned for wildlife crime offences. Interviews were conducted with 45 wildlife crime offenders during July 2019, August 2019, and March 2020. The interviews took place at six correctional facilities in Namibia (Appendix 1).

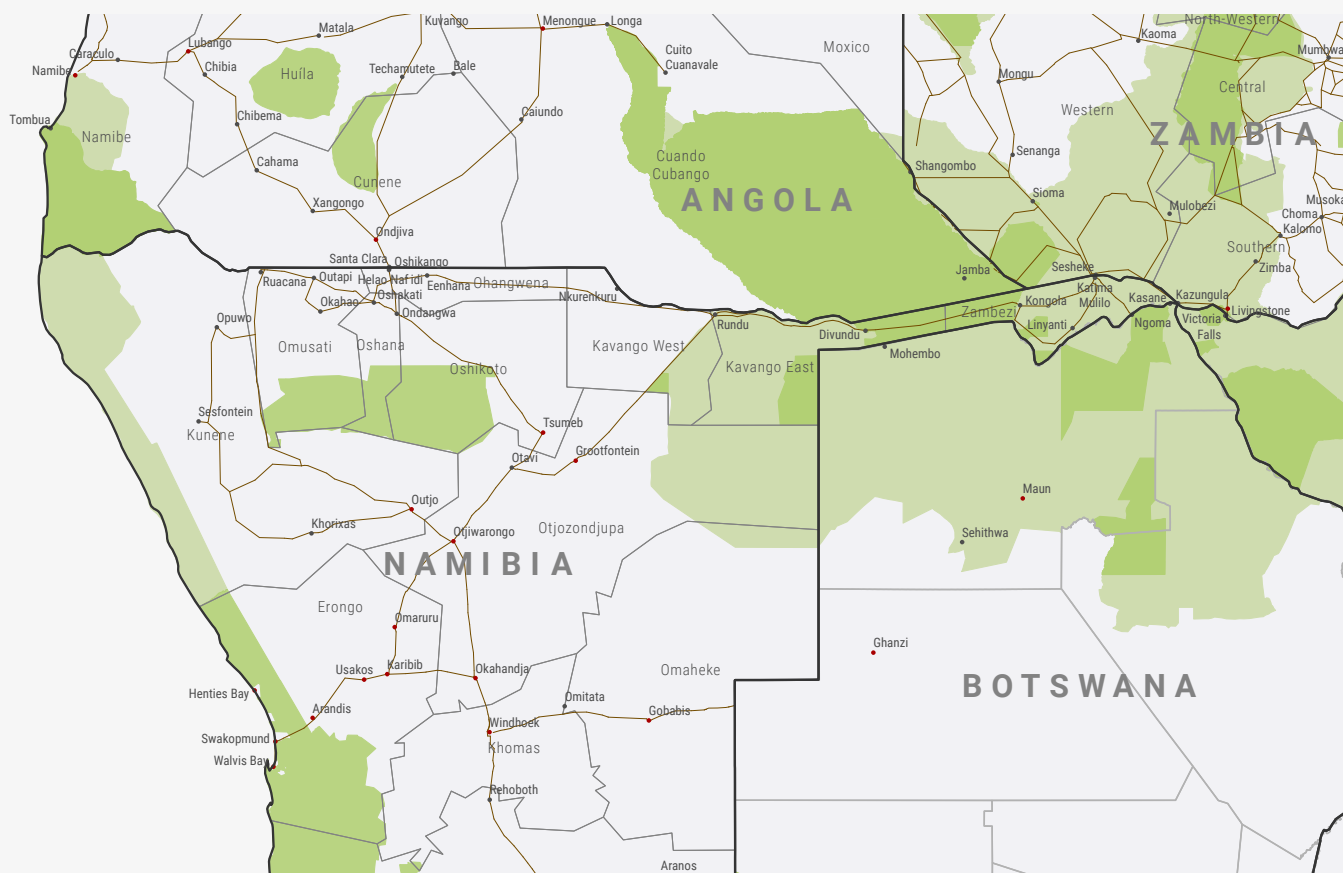


FIGURE 1

Map of southern Africa showing the area of incidents in Angola, Namibia, and Zambia, as described by the offenders. Source © Sacha Riley-Smith/TRAFFIC (2020)

INTERVIEW PROCESS

Face-to-face individual interviews were conducted with the offenders, each lasting between 30 and 60 minutes, using a pre-designed questionnaire to guide the discussions. For details on the language(s) used during interviews, please refer to the sub-chapter on “Language” below. The interviews were conducted in a semi-structured manner so that the interview evolved into a relatively unstructured conversation. The questionnaire was structured to ensure that relevant themes were covered, such as demographics

and social status, *modus operandi* (or details surrounding the crime), motivations, and reflections. The interviews were often free-flowing, and the interview questions were used to guide the interviewer in conversation, ensuring that these themes were covered. Upon arrival at the correctional facility, the interviewer was received by a correctional officer and briefed about the location of the interview as well as any safety concerns. An NCS officer always supervised the interview.



SELECTION CRITERIA FOR OFFENDERS

The offender must have been convicted of an offence under the Nature Conservation Ordinance 4 of 1975 (e.g. unlawful hunting and/or possession of protected species) and/or the Controlled Wildlife Products and Trade Act 9 of 2008 (e.g. illegal possession, dealing, and/or export of controlled wildlife products);

The offender must be imprisoned at the time of the interview, and;

The offender must have provided verbal consent to a Namibian Correctional Service (NCS) official prior to the commencement of the interview.

ETHICS

Interviewing incarcerated offenders is a process fraught with ethical and methodological challenges. TRAFFIC ensured that the highest ethical standards were adhered to during the research process and sought to be academically rigorous in its methodology. TRAFFIC obtained written approval from NCS before the research commenced. Also, an ethical clearance certificate was obtained from the University of Witwatersrand's Human Ethics Committee⁶ in South Africa, to which the author David Newton is an Honorary Research Fellow. After NCS accepted TRAFFIC's proposal, a research permit was obtained from the National Commission on Research, Science, and Technology (NCRST). TRAFFIC also received written permission from the Office of the Judiciary that allowed access to public court case records for research purposes. Shortly after these permissions were obtained, NCS sent TRAFFIC a list of incarcerated wildlife crime offenders. The NCS officers at

various correctional facilities then obtained verbal consent from offenders before the interviews took place. Prior to the interviews commencing, TRAFFIC also conducted internal risk assessments to understand each facility's protocols for entry, exit, and emergencies. At the start of each interview, offenders were given an information sheet (and the contents explained and translated) detailing the purpose of the research, the use of the information shared, and the interview process. The interviewer assured anonymity and confidentiality to each offender and explained that the information they provide would never be linked to their personal details, and their identity will remain confidential. Each offender signed a consent form and, where permission was granted, a voice recorder was used to record the interview. Permission for anonymous quotes was also requested and granted in most cases.

⁶ This research falls under the University of Witwatersrand's ethical clearance certificate (H18/03/21) of a wider research project focusing on wildlife crime offenders in different Southern African countries.

LIMITATIONS

While every effort was made to ensure that these interviews were conducted in an academically rigorous manner, conducting interviews for research purposes may have its limitations. For example, motivations for the interview may be misunderstood by offenders, in that they might be viewed as interrogations. To reduce this bias, the interviewer assured offenders that there would be no negative nor positive consequences should they decide to participate or retract their participation before or during the interview. They were also informed that any information they shared would remain anonymous and would not be shared directly with

law enforcement, but instead aggregated with other interviews and assimilated to reflect trends. The interviews were semi-structured, and the interviewer attempted to develop a friendly rapport and put the offenders at ease. There is the potential for dishonesty during the research process, and TRAFFIC was aware of this during the data analysis phase. TRAFFIC could not assess the credibility of what was revealed by the offenders; however, where available, TRAFFIC did cross-reference the information provided in the interviews with the offenders' court case information, such as pleas, charges, and penalties.

LANGUAGE

Some interviews were conducted in English, though many interviews were conducted with the use of an interpreter appointed by NCS or contracted through a professional translation service (Chinese and Portuguese). TRAFFIC acknowledges that depending on the interpreter's and offender's grasp of the concepts discussed in English (it is possible their understanding was sometimes rudimentary), complex questions might have received simplified answers, and statements may have been lost in translation, as with any multi-lingual interviews. Of the 45 interviews, there were

12 different languages: Afrikaans (2), Chinese (2), English (12), Damara (1), Khwedam (1), Nyemba (1), Oshiwambo (3), Portuguese (2), Rukwangali (2), siLozi (17) and Thimbukushu (2). For integrity control purposes, a sample of six transcriptions representing six different languages (Damara, Oshiwambo, Portuguese, Rukwangali, siLozi, and Thimbukushu) was sent for professional translation. There were no significant differences between the interpretation provided during the interview and professional translation post-interviews.

SAMPLE

TRAFFIC interviewed 45 out of the approximately 80 wildlife crime offenders imprisoned for IWT offences in Namibia. These offenders⁷ were involved in 31 court cases. Some 60% of offenders were joint offenders—offenders who were charged and convicted in the same court case.⁸ The versions of the events might have differed between joint offenders since they likely played different roles and had different motivations, despite their involvement in the same case. Therefore, where joint offenders were both interviewed, parts of the interviews were treated independently. Nevertheless, in some

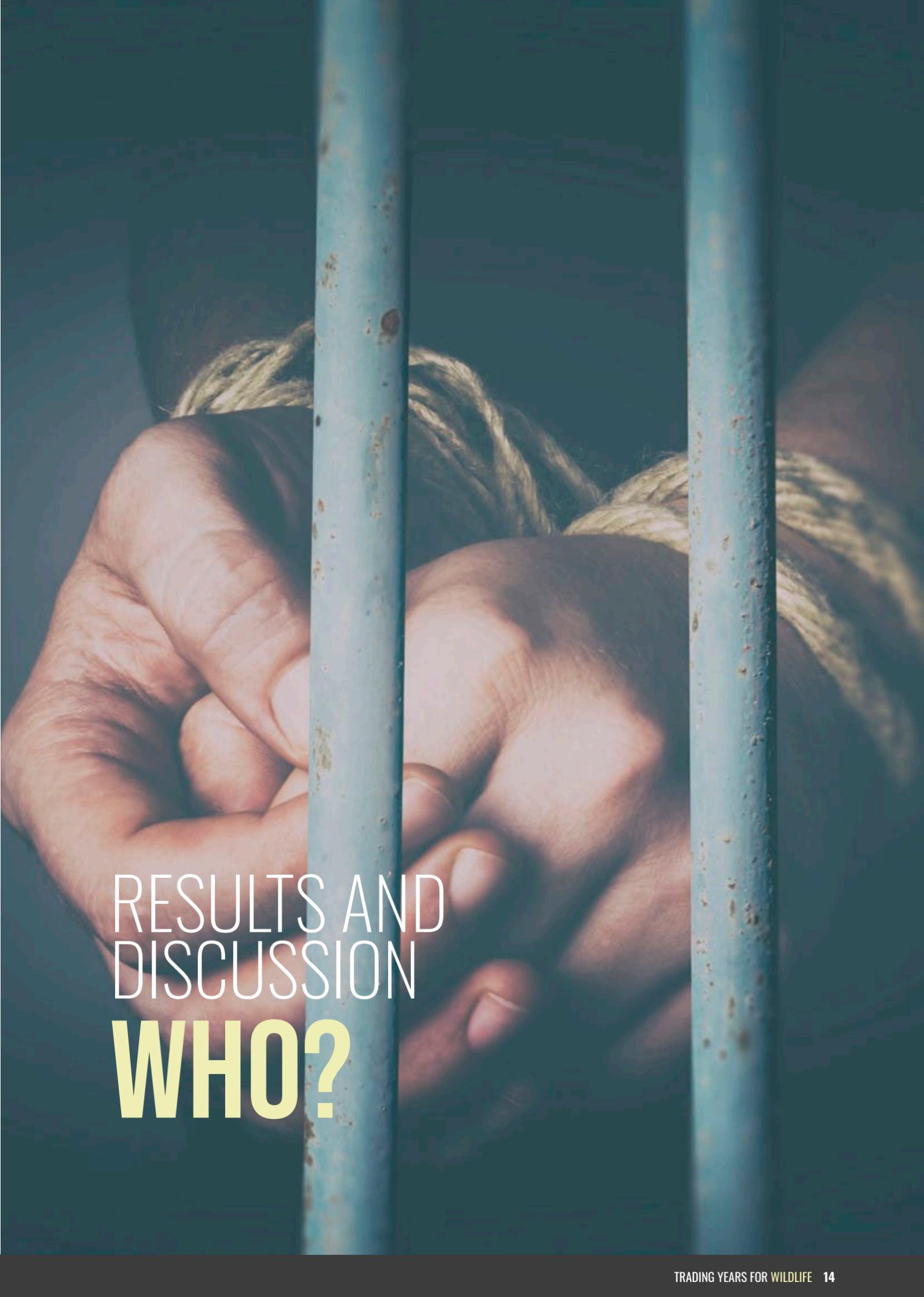
analyses the number of court cases were used (as opposed to the number of offenders) to avoid duplication as certain parts were the same for joint offenders, e.g. species and type of wildlife product. The data collected are treated as indicative of IWT patterns rather than representative of all wildlife crime offenders. Three offenders declined to participate in the interviews, while seven planned interviews did not take place as offenders had either been released or transferred to a different facility.

EXCHANGE RATE

For all NAD/USD conversions in this report, unless otherwise stated and for Tables 2 and 4, the interbank exchange rate on oanda.com for 1st June 2020, which is at USD1 = NAD0.05691, is used. For Table 2, inflation was accounted for and wages were converted to NAD in 2018 to allow for comparison with monthly mean wages calculated in Namibia's 2018 National Labour Force Survey. For Table 4, the exchange rates used to convert from NAD/ZMW to USD was done using the rate on the day of arrest. This is to show just how much an offender was willing to earn for these wildlife products during that time.

⁷ Based on a list of offenders provided to TRAFFIC by NCS that were imprisoned in April 2019 and were convicted of offences under the Nature Conservation Ordinance 4 of 1975 and/or the Controlled Wildlife Products and Trade Act 9 of 2008. This list excluded those convicted of offences relating to fishing, forestry or other environmental crimes.

⁸ "Joint offenders" refers to persons who are each convicted of an offence because a relationship between them results in each of them being criminally responsible for the act constituting the offence.



RESULTS AND
DISCUSSION
WHO?

WILDLIFE CRIME OFFENDER DEMOGRAPHICS

The demographic characteristics of offenders were assessed to gain a better understanding of the context in which offending occurs (Table 1). This assessment allows for the creation of profiles based on gender, age, nationality, and education status

TABLE 1

Demographic factors of the 45 wildlife crime offenders according to gender, age (at time of arrest), the highest level of education received, nationality, and dependents (children).

GENDER

MALE 45 (100%)

AGE

(AT TIME OF ARREST)

Unknown	1 (2%)
20–29	15 (33%)
30–39	20 (43%)
40–49	9 (20%)
50–59	1 (2%)
Average	34

EDUCATION

(HIGHEST LEVEL RECEIVED)

Uncertain	9 (20%)
Never attended school	8 (18%)
Primary school (Grades 1–7)	18 (40%)
Secondary school (Grades 8–12)	9 (20%)
Tertiary Education	1 (2%)

NATIONALITY

Angolan	5 (11%)
Chinese	3 (7%)
Namibian	20 (44%)
Zambian	16 (36%)
Zimbabwean	1 (2%)

DEPEDENDENTS

(CHILDREN)

0	5 (11%)
1–4	32 (71%)
5–9	6 (13%)
10+	2 (5%)

KEY FINDINGS



ALL OFFENDERS WERE MALE

All offenders were male and under the age of 60 years old. Males under 60 years old were arrested, whereas older males were not.



NATIONALITIES INCLUDED NAMIBIANS

As well as those from countries bordering Namibia in the Kavango-Zambezi (KAZA) region (Angola, Zambia, and Zimbabwe) and from China.



EMPLOYMENT STATUS IS RELEVANT

More importantly, the degree of job/financial insecurity can be considered a potential driver for individuals choosing to get involved in IWT as a source of income.

GENDER

All offenders interviewed were male (Table 1). There were, however, three incidents where females were allegedly involved. In the first incident, the owner of *Lion Panthera leo fat* was an offender's mother. She worked at a hunting lodge where the lion was legally hunted, and she brought the fat home. Her son overheard her on the phone mentioning its use as a facial ointment. She then returned to work, after which her son and his friend attempted to sell the fat. All three were arrested, but the offender's mother was released. In the second incident, the offender's wife was arrested with her husband as they were both in a vehicle containing elephant tusks. Following the arrest, the offender and his wife both spent nine months in police custody. She was released, and the offender was charged and convicted. In the third incident, an offender witnessed his employer's sister-in-law assist with the transportation of poached buffalo meat, but when the police arrived, she was not arrested.

AGE

Most offenders (35) were under 39 years old at the time of their arrest, some 15 of them in their twenties (Table 1). Many offenders claimed it was their first time getting involved in IWT. However, their previous convictions or lack thereof could not be verified. Similar research in other countries indicates that young inexperienced poachers are more likely to be detected by law enforcement officers (Forsyth 1994). However, further research is needed to confirm whether this is the case in Namibia. All the offenders interviewed were under the age of 60. In two cases, the offenders believed that other suspects involved in their crime were exempted from arrest because they were deemed "too old" by law enforcement (See "Charges, Pleas and Outcomes" in Chapter 6).

In the first, the offenders claimed that their counterparts were neither arrested nor formally charged despite one admitting to ownership of the wildlife product—a pangolin that he smuggled to Rundu in Namibia from Angola. In the second, a counterpart admitted to providing two firearms to the offender, which were used to poach an elephant in Mudumu National Park, Namibia. The counterpart was labelled as a "known wildlife trader in his village" according to the offender. However, unbeknownst to any of the offenders, there are a variety of reasons why certain suspects were not arrested, charged, and/or prosecuted, such as a lack of evidence. The decision to prosecute in Namibia is not exercised and decided upon at the policing level, but rather at the level of the prosecuting authority (J. Mudamburi, Office of the Prosecutor General, *in litt.* to D. Prinsloo, September 2020).

EDUCATION

Many of the offenders (18) had completed grades during their primary schooling, while fewer (9) had completed grades in high school, and only one offender had received tertiary education. Of the 22 offenders that admitted to poaching (see Figure 3, page 30), 14 had not completed secondary school, while five did not attend school. Research indicates that individuals with higher levels of education are more likely to attain non-poaching employment income (Knapp *et al.*, 2017). However, follow-up interviews are needed to understand fully the influence of the level of education on attaining employment that is not linked to poaching.

NATIONALITY

Most offenders were non-Namibian (25), specifically Zambian (20), Angolan (5), Chinese (3), and Zimbabwean (1), while 20 offenders were Namibian (Table 1). The borders to Botswana, Zambia, and Zimbabwe in the Zambezi Region (Figure 1) originated from colonial times and were drawn without consideration for the range of any local tribes (Moser, 2008). Individuals from Namibia's neighbouring states transit regularly to access food, schools, and healthcare services (Anon., 2020) in towns such as Rundu and Katima Mulilo as these are the closest major centres in the vicinity in south-eastern Angola and southern Zambia. Individuals were required to have passports; however, these would fill up quickly and require multiple renewals, which would incur financial costs. In recent years, to ease the plight of these communities, individuals have been allowed to cross into Namibia without official passports. However, they do require border passes, which they are required to apply for at immigration offices at the gazetted border crossings⁹ (K. Nott, NNF, *in litt.* to D. Prinsloo, July 2020). The use of border passes allows law enforcement to regulate the movement of people as well as to inform them of their restricted movement on the Namibian

side. Crossing at any point other than these ports of entry or travelling for more than 60 km from the point of crossing, if caught, will result in an illegal immigration charge in Namibia (See Appendix 2 for "Acts, Offences and Pleas"). Crossing water by boat or walking across a cutline is a common practice along the extensive porous border areas between the KAZA countries (Anon., 2020).

Three offenders in this study were Chinese and were convicted of illegal possession of and dealing in rhino horns and leopard skins, which they intended to export to China. In a few other interviews, Chinese individuals or locations were mentioned. For example, in one interview, the Namibian offender indicated that the two elephant tusks he tried to sell would be put in a container destined for China. He also explained that he would have asked a family friend, who worked for a Chinese construction company, who he should contact to buy these tusks. In a separate interview, an offender selling a pangolin intended to meet the buyer at a Chinese-run shopping complex, Dragon City, in Oshikango, northern Namibia.

EMPLOYMENT AND INCOME

In this study, 34 offenders were employed¹⁰ at the time of their arrest, while 11 were not. Of the 34 employed offenders, only 13 provided information on salaries or wages (Table 1).

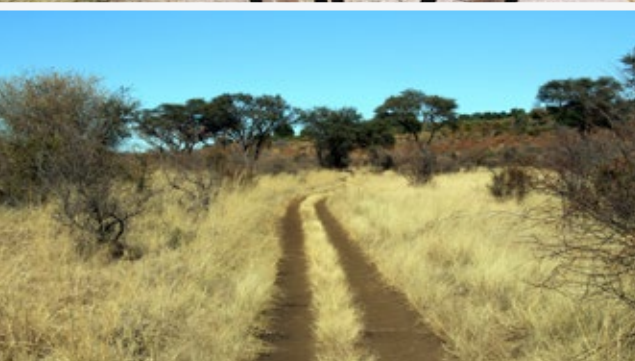
Many offenders (19) reported that their reasons for getting involved in IWT were financial (see "Drivers" in Chapter 5), such as wanting money or more money to support themselves and their families, either supplementing their current income or generating income during a gap between employment. Forty offenders described themselves as having dependents, of which 32 had between one and four dependents (Table 1). Of the 19 offenders who reported that their motivations were financial, 12 had a paying job at the time of their arrest while seven were not receiving an employment

income. Of those who were financially motivated and had a job at the time of their arrest (12), four had formal employment, such as working in the formal construction industry and security, two had informal employment, such as working in a local store and as a self-employed mechanic, and six had vulnerable employment, as they were mostly engaged in cattle herding, piece work,¹¹ and subsistence farming. These results show that only four offenders had high job security based on their formal employment. The numbers of financially motivated offenders who were in informal employment (2), vulnerable employment (6), or unemployed (7), combined represent 15 out of 19 offenders who were financially motivated to engage in IWT.

⁹ A gazetted border post is an official border crossing but might not necessarily be gazetted as a whole—in some cases a border post could be gazetted for immigration but not customs. Also, the status of the border post in one country may be different to the status of the adjacent border post in the neighbouring country (K. Nott, NNF, *in litt.* to D. Prinsloo, July 2020).

¹⁰ In a study completed by the National Planning Commission of Namibia (Anon., 2016a), employment was categorised as follows: formal employment (government, private and commercial agriculture sectors), informal employment (workers who work for those who are self-employed who are receiving income that is not taxed) and vulnerable employment (subsistence agriculture, own account work and unpaid family work).

¹¹ Piece work included thatching, weeding and making wooden poles.



CONSTRUCTION AND AGRICULTURE
Were the two main sectors, in
which offenders were employed

TABLE 2

The wage amounts revealed by offenders (ID) who were employed at the time of their arrest.

ID	JOB DESCRIPTION	SECTOR	MONTHLY WAGE (NAD)	MONTHLY WAGE (USD; 2018)
1	A construction worker in China	Construction	6,694	507
2	A construction worker in China	Construction	83,716	6,361
3	A security guard	Security	1,181	90
4	A construction site inspector	Construction	10,994	835
5	A taxi driver (self-employed)	Transport	9,500	691
6	A farmer (cattle, gardening)	Agriculture	800	58
7	A cattle herder	Agriculture	600	44
8	A cattle herder	Agriculture	350	25
9	A piece worker (ploughing)	Agriculture	700	51
10	A construction worker	Construction	863	63
11	Sells cows to a slaughterhouse	Agriculture	372	28
12	A cattle herder	Agriculture	700	51
13	A cattle herder	Agriculture	1,000	73

DISCUSSION

IN NAMIBIA, THOSE LIVING IN REMOTE AREAS DEPEND DIRECTLY ON BIODIVERSITY FOR THEIR SURVIVAL, SUCH AS FARMING, FORESTRY, AND TOURISM.

- (van Schalkwyk *et al.*, 2010)


MOST OF THE OFFENDERS WERE LOW-LEVEL POACHERS AND TRADERS

Their primary source of livelihood is the agricultural sector, which is dominated by small-scale mixed-crop and livestock farming (Mendelsohn *et al.*, 2009). Other sources of income include business activities such as small shops, and “piecework,” which provides for part-time job arrangements (Kamwi *et al.*, 2015).

According to Namibia’s National Labour Force Survey conducted in 2018, 64% of Namibia’s total population are of working age (>15 years), of which 71% are economically active. 67% of the economically active population are employed. 23% of employed persons work in the agriculture, forestry and fishing sector, the highest employment sector in Namibia. Close to a third of Namibia’s employed population have vulnerable employment, while close to half work in the informal sector, subsistence sector, or private households. Monthly mean wages for agriculture are NAD3,393 (USD247); construction is NAD5,441 (USD396), and private households are NAD1,387 (USD101). Based on the monthly wages revealed in this study, those working in agriculture all earned below the national average. One offender employed in local construction made below the national average while one earned above it. Offenders with IDs 1 and 2 in Table 2 revealed their salaries from their employment in their home country, China.

Based on these findings, simple employment status (employed versus unemployed) is not the most essential discriminator in the propensity to engage in IWT. It requires a more nuanced consideration as to the type of employment and income/job security. In Namibia, there appears to be an inherent relationship between formal employment and pay level. Formal contracts not only provide job security they also pay a much higher income than other forms of employment. Nevertheless, there is still a subset of offenders who were in secure, regular, and comparatively well-paid employment who chose to try and profit from criminal activity. These results, therefore, suggest that some individuals are not engaging in IWT out of immediate need, or as future insurance, but rather as a simple opportunity to supplement their income.

Most of the offenders in this survey can be considered low-level poachers or traders within the supply chain. They were either fully or partially employed but engaged in poaching/trading occasionally and on an opportunistic basis. Few could be considered as full-time poachers/traders or IWT career criminals. A higher level of organisation was suggested by only five offenders in the Namibian study. Therefore, the findings suggest that either low-level poachers or traders represent the majority of criminals who are actively involved in wildlife crimes or simply that they have a greater propensity for being intercepted and arrested. Higher-level activity was seen with all three Chinese offenders, who were involved in roles such as couriers, financiers, and facilitators.

A photograph of a dead elephant lying on its side on a dry, sandy riverbank. The elephant's body is dark grey with some white markings on its side. Its trunk is visible, and its head is turned towards the left. The background shows a wide, flat landscape with some distant trees and a clear sky.

A poached elephant carcass discovered near the Chobe River

RESULTS AND DISCUSSION **WHAT?**

KEY FINDINGS



SPECIES INVOLVED

These included elephant, rhino, pangolin, leopard, oryx, zebra, buffalo, and lion.



SPECIMENS

Most cases involved commercially valuable specimens, such as elephant ivory and rhino horn.



ORIGINS

Almost all specimens¹² originated in Namibia, but one leopard skin and two pangolins came from Zambia and Angola, respectively.



CONSUMER MARKET

All specimens were intended for sale in Namibia, except in one case where rhino horns and leopard skins were destined for export to China.



KNOWLEDGE OF SPECIMEN

The level of knowledge was quite limited in terms of a specimen's use, value (expected sale price), and the process of how and where to sell it.



NUMBER OF CASES ACCORDING TO SPECIES

SPECIES AND SPECIMENS

The offenders were convicted for unlawful hunting, trade, and possession of eight different species across 31 cases: African Elephant (14), Black Rhinoceros and White Rhinoceros *Ceratotherium simum* (4; collectively referred to as rhinos), Ground Pangolin *Smutsia temminckii* (5), Leopard *Panthera pardus* (2), South African Oryx or Gemsbok *Oryx gazella* (2), and single cases each for Plains Zebra *Equus quagga*, African Buffalo *Syncerus caffer* and Lion (Table 3). One case involved two different species, which included leopard and rhino (Table 3).

In some cases, the offenders did not poach the animal. The offenders found specimens such as elephant tusks “in the bush,” or buried in the ground, or the offender removed them from existing elephant carcasses. Some offenders only acquired the specimen after others, sometimes unknown to the offender, had already harvested these items, including leopard skins, pangolin skins, and elephant tusks. Most specimen types, by number, included ivory tusks or ivory pieces followed by rhino horns. Other items such as meat pieces, a trunk,

a tail, and hair were also removed from elephants after they were poached for their ivory tusks (Table 3). Two rhinos were explicitly poached for their horns, without any other body part removed. Buffalo, zebra, and oryx antelopes were poached for subsistence while the meat and skin of a leopard were harvested after it was shot for killing an offender's cattle. The lion fat was removed from a deceased lion that was thought by the joint offenders to be legally hunted and, accordingly, it was not an offence to remove the fat of the animal.









At early points in the trade route, all wildlife products¹³ acquired by the offenders were intended for sale in Namibia, with most originating in Namibia except for two cases, where a leopard skin originated from Zambia, and two pangolins originated from Angola. There was only one case where two different types of specimens, specifically rhino horn and leopard skin, were intended for export out of Namibia to China (See “Destination Locations” in Chapter 3).

¹² As defined by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a specimen is any animal or plant, whether alive or dead and in the case of an animal: for species included in Appendices I, II and III, any readily recognisable part or derivative thereof.

¹³ Upon entry into the trade route, specimens are referred to as wildlife products or, simply, products.

TABLE 3

Table showing the number of offenders and cases according to species, including the types of specimens, amounts, and sources; the number of individuals poached and the origin countries where known.

SPECIES	NO. OF OFFENDERS	NO. OF CASES	SPECIMEN TYPES AND AMOUNT		NO. OF INDIVIDUAL ANIMALS POACHED BY OFFENDERS INTERVIEWED	SOURCE OF OTHER SPECIMENS	ORIGIN COUNTRIES OF SPECIMENS
 ELEPHANT	18	14	Meat (pieces)	2	4*	31 tusks were either found in the field or harvested from existing carcasses.	Namibia
			Ivory pieces	20			
			Tusk	39			
			Tail	1			
			Trunk	1			
 BUFFALO	2	1	Meat (whole individual)	1	1		Namibia
 LEOPARD	4	2	Meat (whole individual)	1	1	One leopard was shot, skinned, and the meat cut up. Two skins were already harvested before the offender acquired them.	Zambia, Namibia
			Skin	2			
 LION	2	1	Fat	1	0	The fat was acquired from a lion believed to be legally hunted.	Namibia
 ORYX	3	2	Meat (whole individual)	2	2		Namibia
 PANGOLIN	7	5	Live individual	3	4	One skin was already harvested by the time it was acquired by the offender.	Angola, Namibia
			Skin	2			
 RHINOS	5	4	Horn	5	2		Namibia
 ZEBRA	1	1	Meat (whole individual)	1	1		Namibia
LEOPARD AND RHINO	3	1	Skin	1	0	Two leopard skins and 14 horns were already harvested	Namibia
			Horn	14			
TOTAL	45	31			15		

* The discrepancy between the number of tusks and the number of poached animals is because some offenders reported selling tusks recovered from old carcasses but they claimed that they did not kill the animal to harvest the tusks as it was already dead.



INTENTIONS AND PRICE

23 offenders intended to sell the specimen that they had acquired, but none of these offenders was successful in making a sale before their arrest.

Despite contacting individuals believed to be buyers and co-ordinating plans to meet them, offenders were arrested before, on the way to, or at the meeting point with their respective buyers. Even though all offenders knew that these wildlife products had a monetary value, only six offenders that intended to sell the wildlife products had a specific selling price in mind (Table 4). In some cases, the value of the product was determined by the buyers. Four offenders were made offers by buyers (labelled as offender A2, B, F,

and I in Table 4), of which one offender was made different offers by two different buyers (labelled as offender F in Table 4). A1 and A2 offenders were joint offenders, but one intended to sell the entire 2 kg of lion fat for NAD10,000, while the other had spoken to a buyer that offered NAD1,000 per piece for seven pieces with unknown weights representing part of the full 2 kg. One offender had poached a rhino to sell its horn but was not aware of the price the buyer was going to offer. This offender did, however, have some level of price expectation as he stated that "if it is a proper offer, then we are going to get more than NAD50,000, but if it's not proper, then we will get around about NAD10,000" (labelled as offender I in Table 4).

TABLE 4

Wildlife products and their price where the intended selling price was known/requested by the offender or where the buyer had made an offer

ID	SPECIMEN	INTENDED SELLING PRICE	BUYER'S OFFER	PRICE (USD) AND YEAR*
A1	Lion fat (2 kg)	NAD10,000		693 (2019)
A2	Lion fat (per piece, unknown weight)		NAD1,000	69 (2019)
B	Ivory (per kg)		NAD700	71 (2013)
C	Elephant tusks (two)	NAD10,000		685 (2016)
D	Elephant tusks (two)	NAD5,000		343 (2016)
E	Elephant tusks (two)	ZMW5,000		517 (2017)
F	Elephant tusks (two)		NAD10,000	686 (2016)
	Elephant tusks (two)		NAD1,000	69 (2016)
G	Pangolin (skin)	NAD5,000		339 (2018)
H	Leopard (skin)	NAD5,000		348 (2019)
I	Rhino horn (per horn)		NAD10,000 to NAD50,000	858 to 4,292 (2015)
























* Conversion from NAD/ZMW to USD was done using the rate on the day of arrest. Given that these dates vary, the USD value may differ for products of the same species.

PERCEPTION OF USE AND DEMAND OF SPECIMENS

Only 11 of the 45 offenders reported knowing the use and demand for the wildlife species/specimens involved in their case (Table 5).

TABLE 5

The number of offenders that knew the use and demand of the wildlife species/specimens in comparison to the number of offenders that had a case involving that same species

SPECIES	USE/DEMAND COUNTRY (AS DESCRIBED BY THE OFFENDERS)		TOTAL NO. OF OFFENDERS (INVOLVED WITH WILDLIFE PRODUCT)	NO. OF OFFENDERS THAT KNEW USE/DEMAND?
 ELEPHANT	 	IVORY wanted by Chinese	18	3
	 	IVORY demand in China		
	 	IVORY wanted by Namibians and Congolese		
	 	MEAT is personally consumed		
	 	TRUNK used by “witch doctors”		
 LEOPARD	THE SKIN might be used for table decoration		4	1
 LION	FAT used for local traditional medicine		2	1
 PANGOLIN	 	SCALES used as protection against witches and charms, worn as a bracelet, necklace, or on a belt in Angola	7	3
		Used in traditional medicine in Namibia		
		Used in traditional medicine in Zambia		
		Wanted by a traditional healer in Zambia		
 RHINOS		HORN used in Asia for medicine	8	2
	 	HORN used in China for traditional medicine		
OTHER: ORYX, BUFFALO, AND ZEBRA	Meat consumed locally		7	4
TOTAL			45	11

DISCUSSION

ELEPHANTS AND RHINOS WERE EXPLICITLY TARGETED FOR THEIR TUSKS AND HORNS, FOLLOWED BY PANGOLINS AND LEOPARDS, BOTH FOR THEIR SKINS.

NAMIBIA IS BOTH A SOURCE AND TRANSIT COUNTRY FOR IWT

Namibia is considered a source country for many of these species. The fact that some of these products were brought into Namibia from Angola and Zambia for sale indicates Namibia's importance as a transit country for IWT, with specific towns revealed as trading hubs (See "Destination Locations" in Chapter 3). Many wildlife products were acquired once they had been poached or harvested by other individuals, some of whom were not known to the offender.

At a local level, knowledge about a resource is passed on from one person or community to another via word of mouth, which may lead to increased resource extraction (first described by Eriksson *et al.*, 2015). In this study, the level of knowledge offenders had regarding wildlife products was quite limited in terms of the product's use, value (expected sale price), and the process of how to sell it and to whom. However, all offenders were aware that the products had a monetary value, and they knew this because other individuals had sold similar products. One offender stated:

“ I USED TO HEAR THAT IF YOU CAN SELL THOSE ELEPHANT TUSKS, YOU CAN GET MONEY. NOW I DECIDED TO SELL IT.” - OFFENDER STATEMENT

This knowledge might explain the high number of offenders (73%) attempting to sell wildlife products that they knew were worth money. Still, they had relatively little information about how to trade or conduct a sale evading detection by law enforcement.

Price information for illegal wildlife products is difficult to quantify reliably. In Namibia, values of confiscated elephant tusks are calculated according to prices paid during auctions held in Kruger National Park in 1989¹⁴ and at the first ivory auction, held in Windhoek, Namibia in 2008.¹⁵ At the Namibia auction, 7,226 kg of ivory was sold, for a total of USD1,186,260, an average of USD164 per kg.¹⁶ This study provides some price information at the level of sale between local poachers, criminal groups, local intermediaries and domestic markets within the source country and surrounding source countries. The discrepancy in prices of products from the same species or quantities in the same year are likely caused by variation in product weight and quality, but these might indicate a point in the trade route at which the product exchanged hands. These products were likely to be bought and sold repeatedly on their way from source to destination. Most offenders were not aware of the values of products in legal trade, and in comparison, the amounts the offenders requested and those that the buyers offered are low. Not knowing the value of wildlife products suggests that not only are the offenders at the lower levels within the supply chain, but that exploitation by higher level players is occurring. None of the planned transactions were successful; therefore, the prices requested, and the offers proposed do not necessarily reflect the amount that would have been paid had law enforcement not intervened.

¹⁴ As stated in, for example, Case No.: Kongola Cr. 13/06/2013: "the value of the elephant tusks is according to the most recent market prices viz. May 1989 of the Kruger National Park's Skukuza Auction."

¹⁵ As stated in, for example, Case No.: Katima Mulilo Cr. 173/09/2018: "The value of the elephant tusk pieces determined according to the most recent market prices of August 2008, Windhoek, Namibia Auction."

¹⁶ Critics of the 2008 one-off sale of ivory believe that the auction created an intermediary monopoly where the Chinese buying agency paid low purchase prices thereby leading to a slow release of ivory onto the market at highly inflated prices upon resale to wholesale buyers (an alleged mark-up of 650%; Christy 2012; [†] Sas-Rolfes and Fitzgerald 2013).



RESULTS AND DISCUSSION **WHERE?**

KEY FINDINGS



ZAMBEZI REGION

The Zambezi Region of Namibia was identified as an IWT hotspot for trading in many wildlife products.



TRANSIT AND SALE

Kongola, Rundu, and Windhoek were also implicated as local locations for transit or sale of wildlife products.



KATIMA MULILO

For all eight cases where incidents occurred in the Zambezi region, Katima Mulilo town was implicated as the local destination for offenders to sell their wildlife products.



SOURCES FOR KEY PRODUCTS

Bwabwata, Mudumu, Nkasa Rupara, and Etosha National Parks were identified as the sources for elephant, lion, and rhino products.

LOCATIONS

The locations¹⁸ for all incidents (origin, arrest, and destination) took place in central, northwestern and northeastern Namibia, southeastern Angola, and southwestern Zambia (Figure 1), except for one incident where China was the destination of the wildlife product.

ORIGIN LOCATIONS¹⁹

The origin locations for 25 of the 31 cases were in Namibia, while five cases were in Angola and one case was in Zambia. Four Namibian national parks were identified across six cases as the source of wildlife products: Bwabwata National Park (elephant and lion), Mudumu National Park (elephant), Nkasa Rupara National Park (elephant), and Etosha National Park (rhino).

25 OF THE 31 CASES
ORIGINATED IN NAMIBIA

DESTINATION LOCATIONS²⁰

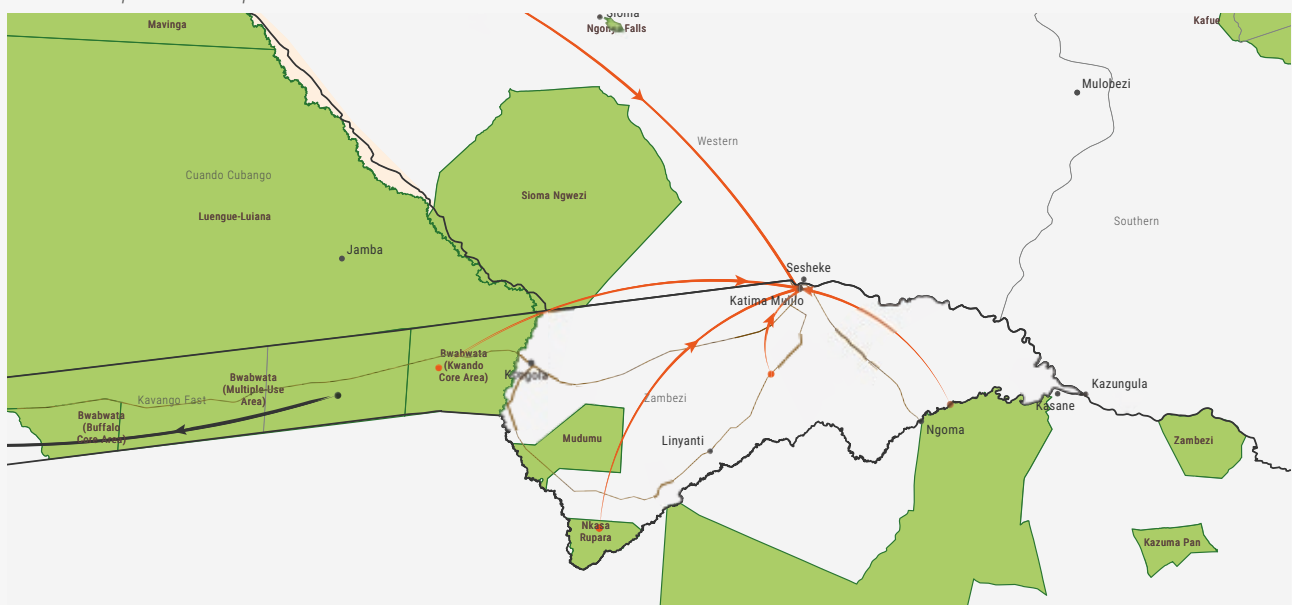
The offenders involved in 25 cases reported that they were arrested while travelling to or at their intended destination. In 23 cases, the intended destination was in Namibia; however, China and Zambia were both featured as destination countries, once each. Within Namibia, offenders from 11 cases described the Zambezi Region as their destination or selling point, eight of whom specified the town of Katima Mulilo (Figure 2). Of the 23 cases, the Kavango East Region was the next most frequent destination location with five cases, specifically the town of Rundu.

23 DESTINATIONS
WERE IN NAMIBIA

CHINA AND ZAMBIA
WERE ALSO DESTINATION COUNTRIES

FIGURE 2

Map showing the locations of the first known point in the trade route and its destination for cases in the Zambezi Region where Katima Mulilo town was implicated as a prominent destination location.



¹⁸ Unless otherwise expressed, locations were analysed on a case basis to avoid duplication where joint offenders had been interviewed.

¹⁹ The origin location is the first known point within a trade route. This location can be considered a source location if the source of the product originated from the same location.

²⁰ The destination location can either be a location in the trade route for local trade, i.e. Katima Mulilo, or its final destination, such as the consumer market in China.

DISCUSSION


THE ZAMBEZI REGION HAS SIGNIFICANT TRADE ROUTES LINKING COUNTRIES OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC), THEREBY ENHANCING REGIONAL TRADE.

KATIMO MULILO PLAYED A SIGNIFICANT ROLE AS A CENTRAL HUB FOR THE TRADE OF A RANGE OF PRODUCTS (LEOPARD SKIN, ELEPHANT TUSKS, AND PANGOLIN)

The bridge between Katima Mulilo in Namibia and Sesheke in Zambia (completed in 2004) opened up a trading corridor that shortened the route for exports from Zambia, and the southern parts of the Democratic Republic of the Congo (DRC) via Zambia, and imports to and from the Walvis Bay seaport in Namibia, and Cape Town in South Africa.

The Kazungula Bridge (expected completion in 2020) will link Botswana and Zambia across the Zambezi River at the Kazungula Crossing, which makes use of ferries to ferry tourists, locals, and trucks across the rivers (Thompson, 2018). Inadequate border post design, insufficient border post infrastructure, poor road conditions, and management cause congestion and delays, which create opportunities for illegal activities. These include human trafficking and the importation of illicit and counterfeit goods, which are not declared to customs (Anon., 2016c). Despite this, customs authorities at these border posts have successfully detected and seized illegal wildlife products such as elephant tusks (Anon., 2016d). In this study, offenders crossing into Namibia illegally were caught shortly after entry by law enforcement. In one example, an offender and six others from Zambia crossed the Kwando River into Angola and then illegally into Namibia to collect seven tusks buried in Bwabata National Park. They were caught five days after entering Namibia.

Katima Mulilo played a significant role as a central hub for the trade of a range of wildlife products (leopard skin, elephant tusks, and pangolin) in the Zambezi Region of Namibia. Katima Mulilo's role is not unusual given it is a significant hub in general for business stemming from tourism and cross-border movement. Its location in the centre of the KAZA region makes it ideal for selling products from the rural areas that surround it. Many smuggling routes used by poaching groups to transit through the Zambezi Region and to cross borders are known to law enforcement agencies (Nkala, 2018). As described in this study, law enforcement effort in the Zambezi Region has resulted in numerous arrests of individuals making their way to the town of Katima Mulilo to trade in wildlife products.



Rhino horns concealed in a passenger's suitcase

RESULTS AND DISCUSSION **HOW?**

KEY FINDINGS



INVOLVEMENT IN THE SUPPLY CHAIN

Offenders took on numerous roles in the IWT supply chain, including poaching, trading, subsistence, travel (local and international), facilitation, and storage.



PROACTIVE / OPPORTUNISTIC POACHING

Some offenders poached the animal themselves. Those who did not, seemed to have discovered carcasses and harvested the tusks (in the case of elephants) while others assisted the poachers, even though they may not have met the poacher before the incident.



USE OF DOGS

Dogs were intentionally used to find oryx, but in some cases, dogs unintentionally discovered pangolins, thereby alerting their owners to their presence.



RAPID ENFORCEMENT ACTION

Law enforcement officials detected some wildlife crimes and arrested those involved within hours or a few days of the offender acquiring the product.



CONCEALMENT AND EVASION

Most wildlife products were discovered in vehicles, residences, and on persons. Concerted efforts to conceal products included rhino horn hidden within the spare wheel under the car and elephant tusks buried in the ground.



ROLE OF TIP-OFFS

In most cases, tip-offs, possibly anonymously or through informants, and routine inspections, both at permanent roadblocks and by patrols, led to the most discoveries and arrests.

ROLE IN IWT

There was a range of roles in the IWT value chain reported by the 45 offenders, with some offenders actively participating in one or more of these roles (see "Active Participation" column in Table 5). Others intended to play specific roles but were arrested before their role(s) were fulfilled (see "Intention" column in Table 5). Travelling to collect or deliver wildlife products domestically (within Namibia) was

the role carried out by most offenders (35), while selling a wildlife product was the intention for many offenders but was not realised (23). Other active roles included harvesting a wildlife product from a discovered carcass (14), hunting an animal (12), and travelling across international borders to collect/deliver wildlife products (6).

POACHING

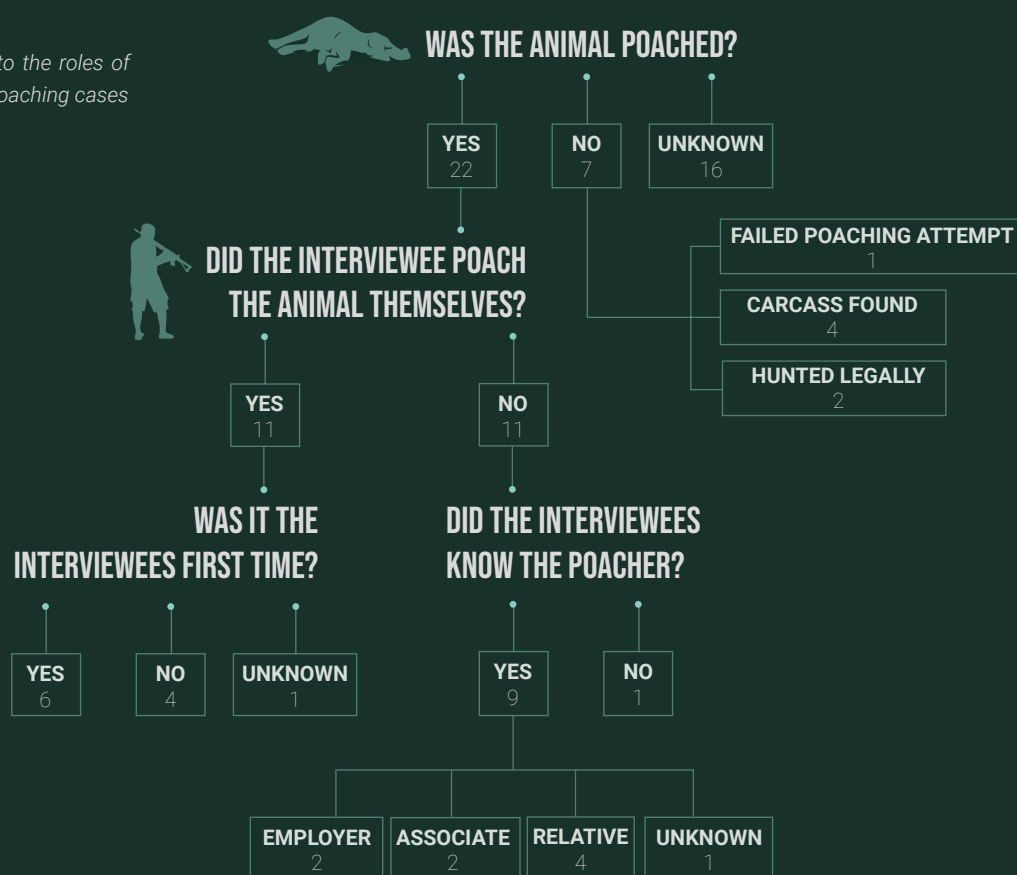
Twenty-two offenders were involved in cases where an animal was poached (Figure 3). Eleven admitted to poaching the animal themselves but 12 said that they did not. Of the 11 offenders who personally poached, six were involved in poaching for the first time. For the 12 offenders that did not poach the animal themselves, nine offenders personally knew the poachers as either their employer,

associate, or relative ("unknown" for one offender). The products of animals that were not poached by the offender were sourced in other ways: two offenders sourced the wildlife product through a legal hunt (lion) and four revealed that they found the animal's carcasses. One offender was intercepted and caught by law enforcement during attempted poaching of a rhino.

IWT ROLES	DEFINITION	ACTIVE PARTICIPATION	INTENTION	TOTAL
SOURCING				
Harvesting	Removing product from an existing carcass	14	1	15
Poaching	Killing, or removing, a wild animal	12	1	13
TRADING				
Purchase	Buying a wildlife product with money	1	0	1
Sale	Selling a wildlife product for money	0	23	23
SUBSISTENCE (AS FOOD, TRADITIONAL MEDICINE, AND LOCAL EXCHANGE)				
For immediate family	Consuming wildlife product(s) at household level	1	2	5
For relatives/acquaintances	Providing wildlife product(s) for others to consume	2	2	4
TRAVEL				
Domestically	Travel includes to collect or deliver wildlife product(s) within Namibia	35	1	36
Internationally	Travel includes to collect or deliver wildlife product(s) over an international border	6	5	11
OTHER				
Facilitation	Assisting in organisation and fulfilment of crime (e.g. driver, booking flights)	6	0	6
Storage	Storing product for 2+ days	4	0	4

FIGURE 3

Responses to questions relating to the roles of offenders and others involved in poaching cases



Poaching techniques were described by the offenders and these involved the use of dogs, firearms, and spears and hunting at night. Methods, such as snares, nets, or poison, were not mentioned by perpetrators. Six offenders said that their dogs, which would accompany them while cattle herding, found and alerted them to the presence of wildlife such as pangolin. In three cases involving poached oryx, the dogs were intentionally used to locate the animals within private reserves. Twelve offenders reported that firearms were used to poach wildlife such as elephant and rhino. Of these, six offenders indicated that rifles were used (one .375 calibre), and

one stated that he used a shot gun. Four offenders used spears to kill wildlife, including oryx (3) and elephant (1). Drivers who waited at prearranged rendezvous points were used twice to pick up their rhino poaching accomplices and their contraband, for instance, outside a conservancy. In six cases, the animals were poached at night. An axe or knife was used by five offenders to remove the wildlife product from the carcass, and another five removed the wildlife product without the use of any equipment, e.g. caught a live pangolin or dug up buried tusks.

DETECTION AND CONCEALMENT

Of the 45 offenders, 14 were arrested on the same day that they poached, harvested or acquired the wildlife product, e.g. after fatally shooting an oryx, the game farm's private security arrested one offender while he was loading the meat into a car. In another example, an offender took on the role of a driver and dropped off associates at a conservancy where they intended to poach a rhino. They successfully poached a rhino and harvested its horn but shortly after pick-up the group was stopped at a roadblock. One of the offender's associates had an arrest warrant, and this led to the car being searched by police. Nine offenders were arrested one day after acquiring the wildlife product, and another seven were arrested between two and seven days later. Three offenders were caught more than seven days later, of whom two were arrested more than two weeks later. Twelve offenders could not remember the date of

the incident or the date of arrest, and the court case records for these offenders were not accessible during this research period. Of the 31 cases, law enforcement officers discovered the wildlife products in a vehicle in 13 cases, in a residence or homestead in 7 cases, at the site of the crime in 3 cases (in situ) or in the offender's possession in 3 cases. Wildlife products were discovered at the airport and buried in the ground in one case each. The discovery location was unknown for another 3 cases (Figure 4). There were few examples of a concerted effort to conceal the wildlife products from law enforcement officials. Some products were stored in the trunk or in bags within a vehicle. However, on two occasions, products were purposefully hidden within or under the spare wheel of the vehicle. The third, most apparent act of concealment described was burying elephant tusks in the ground.

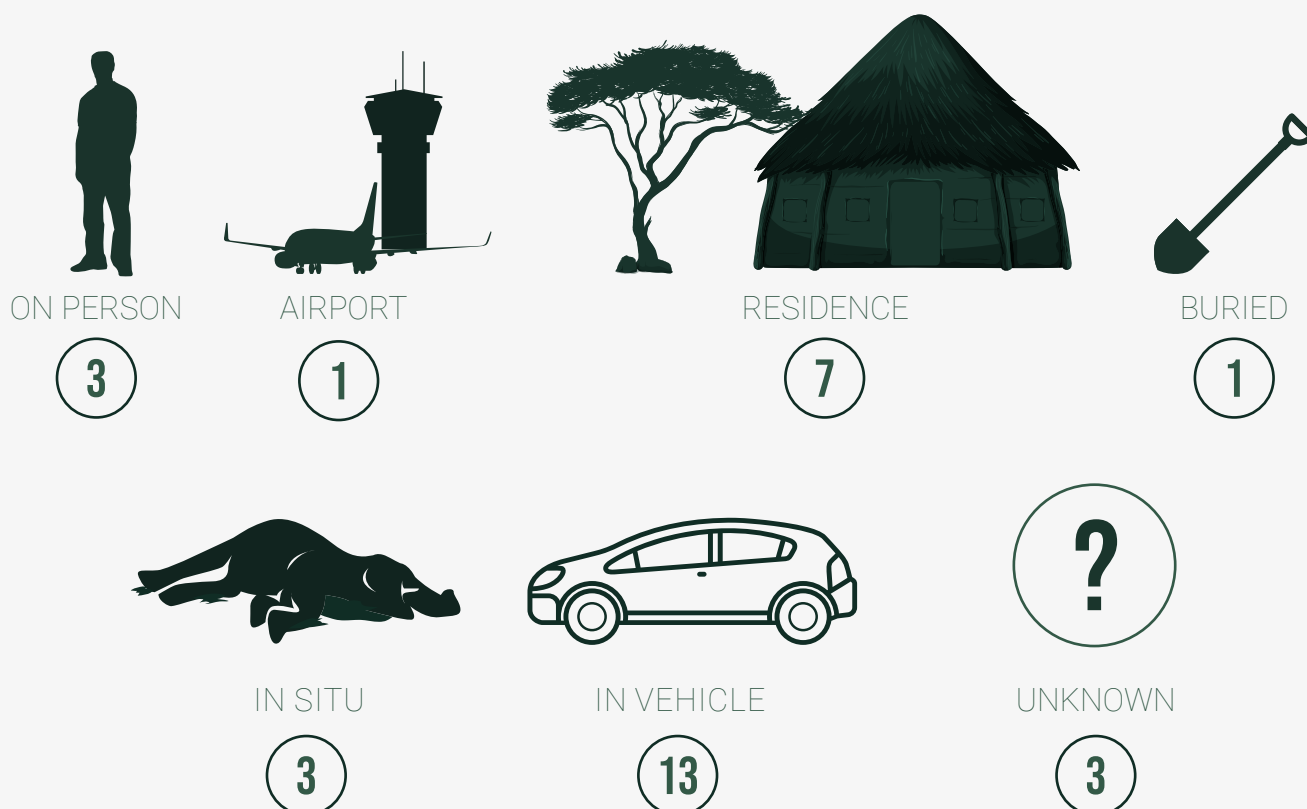


FIGURE 4

The method of concealment and/or location of the wildlife products upon discovery by law enforcement

The offenders reported how they understood law enforcement came to discover their products in 22 of the 31 cases (Figure 5). Law enforcement was thought to be tipped off in 11 cases while routine inspections, which included permanent roadblocks and by patrols, were believed to have resulted in the offenders' arrests in 6 cases. An active investigation and the use of airport scanners (x-ray) led to the discovery in one case each. Where the detection method was not mentioned explicitly by the offender, they described the events that led to their arrest. However, to prevent errors in inference, these were categorised as unknown.

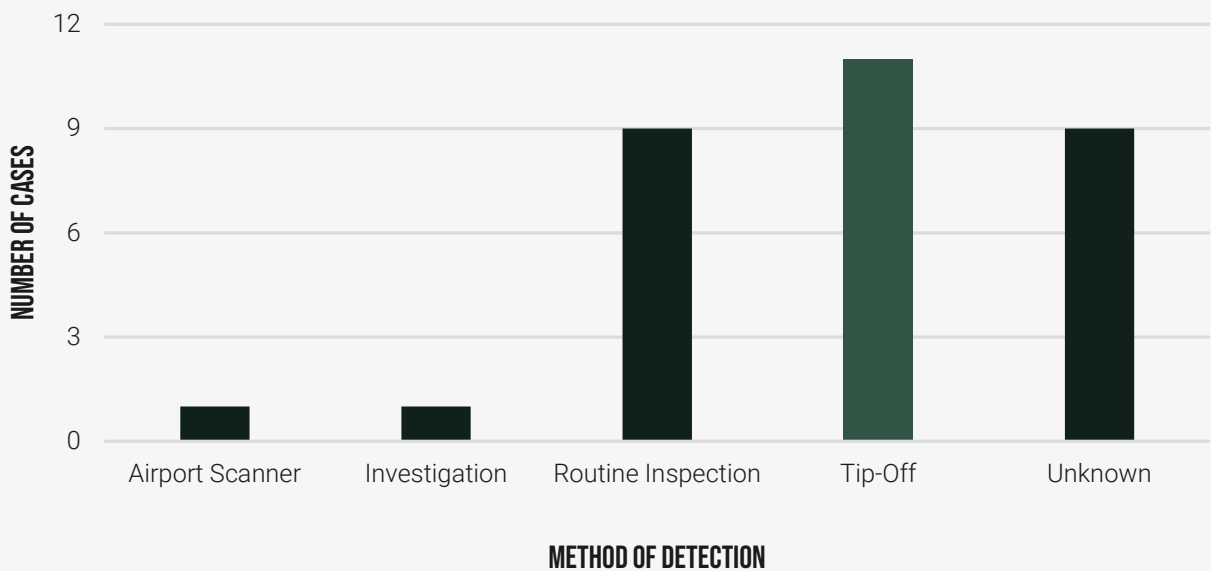


FIGURE 5
Bar graph showing the method of detection used to discover wildlife products.





DISCUSSION

MOST RESPONDENTS DEMONSTRATED AN “OPPORTUNISTIC” ENGAGEMENT IN CRIME AND A “LOW-LEVEL” ROLE.

3 ALIGN WITH
REACTIONARY MOTIVATIONS

6 WERE DISCOUNTED BECAUSE OF CLAIMS OF
INNOCENCE AND CURIOSITY

Considering the “supply chain” typology presented by Phelps *et al.* (2016), comprising harvesters, intermediaries, and consumers, 30 offenders align with the “opportunist” role, and six offenders seem to align with the “subsistence” key actor role, both identified under the “harvester” category. Three offenders likely align with the “reactionary,” while six offenders are discounted due to their persistent claim of innocence and curiosity (See “Drivers” in Chapter 5). As Phelps (2016) highlights, the roles are not intended to be mutually exclusive, but categorise key patterns across IWT situations. Phelps (2016) posits that the commercial harvest of high-value species such as elephant and rhino may include “external professional harvesters, criminal syndicates and connections to political elite... [hiring] residents to harvest or guide outside harvesters.” Based on the interview responses gathered however, this may apply to only a few cases. Most respondents demonstrated an “opportunist” engagement in crime and a “low-level” role. Responses arising from this report must, therefore, be considered accordingly.

The speed of detection indicates the effectiveness of Namibian law enforcement in identifying wildlife crimes and reacting quickly to arrest those involved. While this is viewed as undoubtedly positive, it might also suggest that there were fewer successful proactive investigations into the networks that some of the offenders were supplying. Typically, the arrest offers an opportunity to interview a suspect regarding their actions and to launch an investigation. A proactive investigation enables the use of techniques such as controlled deliveries, surveillance, analysis of mobile phone data, and other actions. Proactive investigations and the methods described are intended to identify and where possible arrest higher-level actors along the IWT supply chain, and to maximise opportunities for disruption along the chain. As these steps take time, it is expected that arrests of senior members would be made weeks and even months after the predicate crime was committed. However, further research is required to understand detection rates in comparison to either IWT in neighbouring countries or non-IWT crimes in Namibia. A better understanding of procedures for follow-up investigations is also needed for any further analyses.

The highest volume of detections was via tip-off and may demonstrate effective engagement between Namibian law enforcement and the wider community. These data cannot be used to determine whether these tip-offs are from managed human-intelligence sources (informers) or voluntary referrals. Still, there was some mention of undercover officers during specific interviews, which suggests that the tip-offs were voluntary. For example, one offender believes the police overheard the phone conversation between himself and the buyer. In two cases, MEFT was alerted by witnesses from the same community as the offenders. One case involved an offender who kept a pangolin in his house and the other, an offender who was carrying elephant tusks. In Namibia, law enforcement has displayed their contact details and the offering of rewards for information that leads to an arrest for the public to view. These can be seen on billboards, banners (e.g. Windhoek International Airport; Figure 6a), and posters in shop windows (e.g. Divundu; Figure 6b).



FIGURE 6A

A photograph of a banner at Windhoek International Airport.

Protect Pangolins

report any suspicious activity
related to the killing or capture of pangolins or the trade in pangolin parts
(this includes people asking about pangolins or offering pangolins or pangolin parts for sale)
and receive a

\$ CASH REWARD \$

for information leading to the arrest of culprits or the seizure of pangolins or pangolin products
wildlife crime is an economic crime against local communities and the nation

call or send an alert sms to
081 413 2214
081 423 2231
all information will be treated with strict confidentiality


Republic of Namibia
Ministry of Environment and Tourism

NCE

WWF

A poster announcing a cash reward for information leading to the arrest of culprits or the seizure of pangolins or their products that was displayed in shop windows, such as in Divundu.

FIGURE 6B

A photograph of three children from the Hambukushu Tribe in Namibia. A young girl in a pink shirt and orange skirt stands in the center, looking directly at the camera. To her left, a younger child in a white shirt and patterned skirt looks slightly to the side. To her right, another child in a striped shirt is partially visible, smiling. The background is a dry, open landscape with sparse trees under a clear sky.

Children from the Hambukushu Tribe at their Village near Divundu, Namibia

RESULTS AND DISCUSSION **WHY?**

KEY FINDINGS



MOTIVATIONS FOR INVOLVEMENT

Most offenders were financially motivated to get involved in IWT, with four other motivations identified: social, nutritional, functional and curiosity.



EXPRESSION OF REGRET

All offenders regretted getting involved in the illegal activities that led up to their arrest.



KNOWLEDGE OF ILLEGALITY

Most offenders knew that the handling of IWT products was illegal. However, knowing this still did not discourage offenders from engaging in the crime.



OPPORTUNISM

Most offenders participated in the crime in a mostly unplanned or opportunistic manner.

DRIVERS

Offenders were divided into categories based on their motivation for getting involved in IWT (Figure 7). The different motivations given by the offenders were:

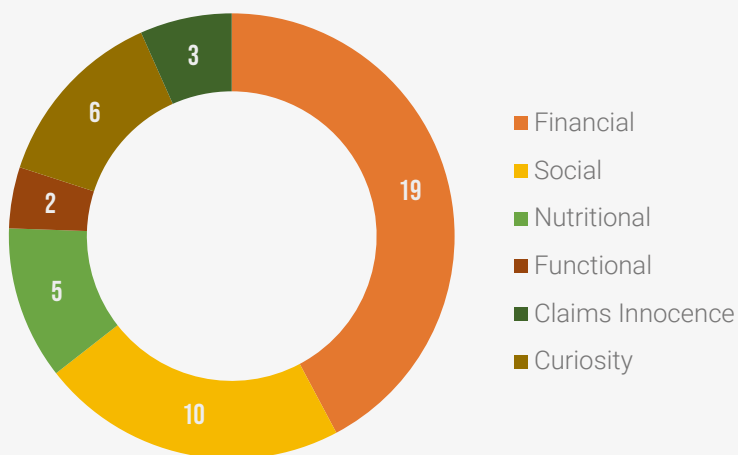


FIGURE 7

A pie chart showing the percentages of offenders that revealed their motivation (seven categories) behind getting involved in IWT

MOTIVATIONS

FINANCIAL

19 OFFENDERS

Most offenders were financially motivated to get involved in IWT, with four other motivations identified: social, nutritional, functional and curiosity. Examples include to alleviate poverty, to support themselves and their family, and for financial establishment (to build a new house or smallholding).

SOCIAL

10 OFFENDERS

The social category includes ten offenders who **engaged in IWT as a favour to an acquaintance, friend, or family member, or to follow their employer's orders** (e.g., to assist with the transport of meat from a buffalo carcass that the employer had already poached).

NUTRITIONAL

5 OFFENDERS

The nutritional category includes five offenders that intended to **use the products for local consumption** rather than onward sale.

FUNCTIONAL

2 OFFENDERS

The functional category includes two offenders who **engaged in IWT to protect their livestock or dogs**.

CURIOSITY

6 OFFENDERS

The curiosity category was assigned to six offenders if they were **unaware of the species or product and attempted to find out more about it**.

INNOCENCE

3 OFFENDERS

Lastly, **three offenders claimed to be innocent** (e.g. they were unaware of wildlife products inside the luggage or their car).



REGRET AND RECIDIVISM

All offenders expressed regret at getting involved in the illegal activities that led up to their arrest. Thirteen offenders reported that spending time in prison away from their families was the reason for their regret. Many felt they were wasting their time being incarcerated. Some offenders believed their families would be in financial problems and their children would not be able to go to school because of their incarceration. One offender mentioned the

impact on his reputation as he will now be viewed as a poacher. When asked if they would get involved in IWT again, all offenders said no. However, it should be noted that a few of the offenders had prior IWT convictions (see “Previous Convictions” in Chapter 6). No recent rates of recidivism for offenders in Namibia were available at the time of this study.

AWARENESS OF LAW AND PERCEIVED RISK

32 offenders knew that possessing specific wildlife products was illegal before their arrest. In comparison, nine offenders did not know that obtaining wildlife products was illegal in specific circumstances until after their arrest. For example, two joint offenders did not realise it was illegal to possess or sell wildlife products from an animal that they were told was legally hunted. Some were unaware of the risks or consequences associated with IWT; for example, one offender did not consider the consequences of helping rhino poachers, while another offender did not realise he could end up in prison if he were caught poaching an oryx.

The high level of awareness about wildlife laws by offenders is in line with similar research conducted with rural communities in Namibia.

It might be a consequence of the high levels of public engagement about environmental issues surrounding Namibia’s conservancy system (Kahler and Gore, 2012). Despite relatively high awareness that these activities were illegal, it is noteworthy that this did not discourage offenders from engaging in crime. Two types of thinking to explain this behaviour have been described by Kahneman (2011): the first type is fast, intuitive, and emotional, while the second type is slower, more deliberative, and more logical. Active decisions (type two) derive from a “benefits and cost” analysis, which put simply asks: “do the anticipated gains from an action outweigh the likely costs and risks?” (Kahneman 2011). In this study, most offenders conducted some level of type one thinking, and therefore, it is evident that:

- ⦿ **SOME OFFENDERS ENGAGED IN THE CRIME DESPITE KNOWING THE COSTS/RISKS,** MAINLY DUE TO A NEED TO FULFIL BASIC NEEDS (FOR FOOD, OR MONEY FOR FOOD, HOUSING, CLOTHING, ETC.).
- ⦿ **OTHER OFFENDERS PRIORITISED AN URGENT DESIRE NOT TO DISAPPOINT SOMEBODY IMPORTANT TO THEM NOW,** RATHER THAN WORRY ABOUT POTENTIAL FUTURE COSTS/RISKS.
- ⦿ **OTHER OFFENDERS DEMONSTRATED A SKEWED PERCEPTION OF RISK/LOW EXPECTATION** THAT THEY WOULD GET CAUGHT (RELATED TO A DISCONNECT BETWEEN BELIEF AND ACTION).
- ⦿ **THE REST OF THE OFFENDERS FELT THAT THE EXPECTED GAINS WERE “WORTH THE RISKS,”** ALTHOUGH THEY DID NOT HAVE A SPECIFIC IDEA OF THESE GAINS, RATHER A PERCEPTION BASED ON WHAT THEY HAD HEARD FROM OTHER PEOPLE. THIS THINKING WAS LIKELY FOLLOWED ON WITH THE THOUGHT THAT IT WAS “UNLIKELY” THEY WOULD BE CAUGHT.

It is important to note that while all offenders expressed regret for their crime, those who expanded on this point typically explained their regret in a personal sense: i.e. sadness, shame, or an inability to either see or care for their family. While regulatory deterrents such as long custodial sentences, fines and other penalties have a

deterrent effect, there is a need also to communicate more personal experiences, real stories and cautionary tales. This messaging is paramount to deterring the many others in similar situations from committing wildlife crimes.

DISCUSSION

WHILE SOME DIFFERENCES CAN BE SEEN AROUND THE “PRIMARY” MOTIVATION THAT RESPONDENTS CITED FOR ENGAGING IN IWT, MOST CASES INDICATED SIMILAR CONTEXT AND OVERLAPPING MOTIVATIONS.

INCOME GENERATION OR “FINANCIAL” REASONS CONTINUE TO BE THE PRIMARY DRIVER

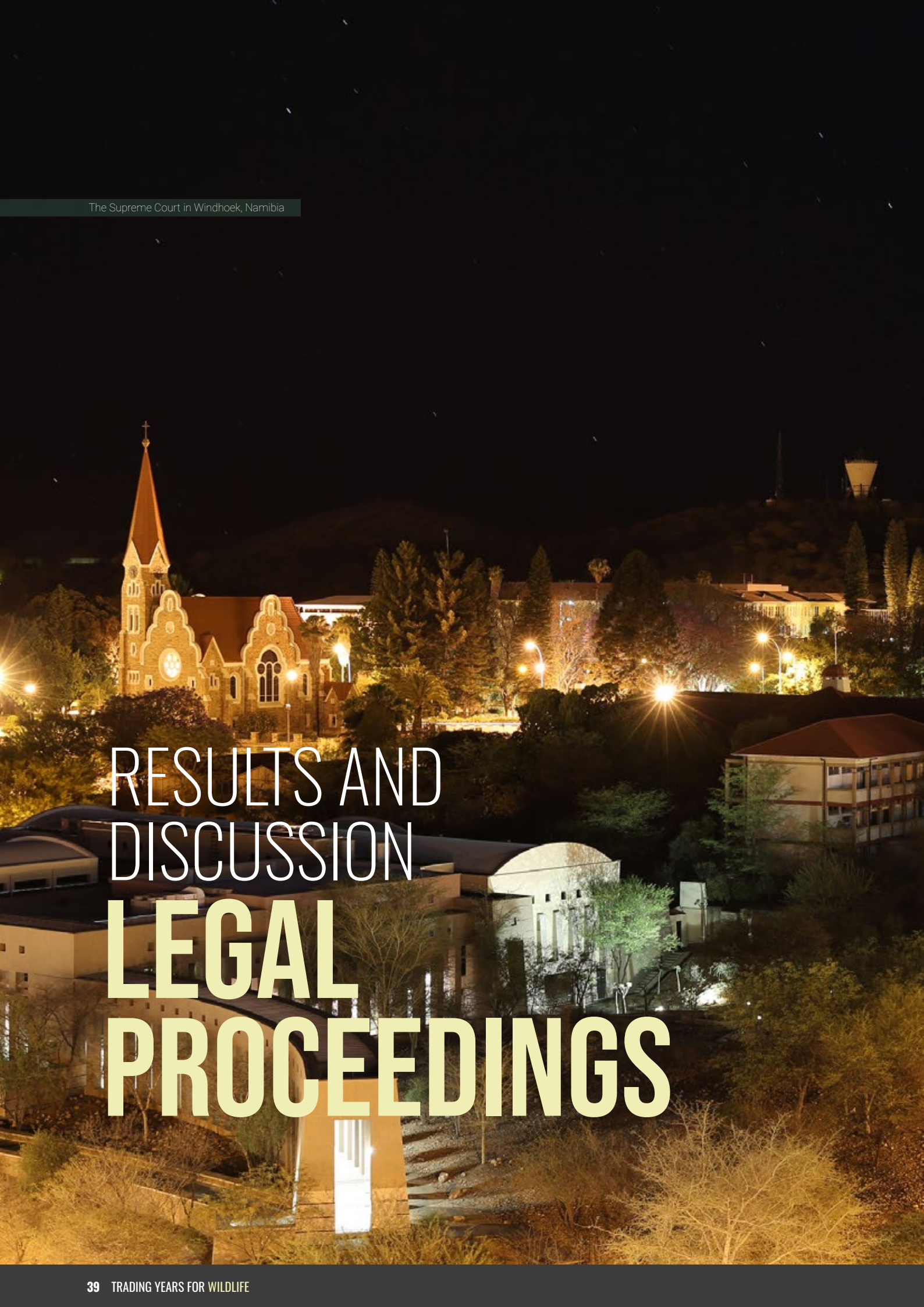
For example, those who reported that they engaged in IWT for “financial” reasons also described their involvement as a result of social pressures, kinship pressures, because an employer instructed them to, or due to a desire to “fit in” (i.e., because this is what everybody else in their group did). Those motivated by a “functional” concern (to protect cattle, people, dogs, or property), also described taking advantage of the opportunity to fulfil nutritional needs by eating part of the animal “poached.” In one instance, a perpetrator also tried to sell the skin. These statements show the complexities around the inter-relations between different sources of motivations.

In comparison, a study in Uganda by Harrison *et al.* (2015) involved researchers that interviewed informants and conducted a literature review revealing five main drivers for engagement in IWT: to meet basic needs (subsistence), to generate income above and beyond basic needs (commercial), in response to perceived injustice, cultural traditions and political influence. The Namibian offender survey study differed in that there was no specific mention of involvement in IWT because of perceived injustice or political persuasion. A similar study in South Africa found that income generation was the key motivation that influenced all 73 wildlife crime offenders to partake in IWT activities (Moneron *et al.*, 2020). Other motivations revealed in the South African study included opportunism, a skewed perception of risk, normalisation (contested illegality), high value and demand for commodity, lack of viable economic alternatives, peer pressure, lack of state legitimacy, omission (or inaction) and provision of employment for others (Moneron *et al.*, 2020). All three studies showed that many people lack the resources they need, as well as the money with which to buy them. This might indicate that they may have little or no option but to resort to illegally harvesting resources from protected areas.

The offenders in this study predominantly displayed similar underlying attitudes, beliefs, and values about wildlife. Most offenders seemed to believe that wildlife products were characterised as natural resources to be exploited or, in the cases of human-wildlife conflict (HWC), eliminated. These beliefs contrast with the conservation attitudes that have been described in other research to protect species, with animals being representative of cultural heritage and a source of national profile or pride and for megafauna that shape local landscapes. However, the sample of offenders interviewed may not necessarily be representative of the general views of people in the region, which can only be established with a broader Knowledge, Attitude and Practices (KAP) survey.

Successful approaches to combatting IWT should adopt a holistic approach aiming to bridge these different views. This approach should combine efforts to ensure a robust legislative and regulatory framework, alongside motivated and capacitated enforcement and prosecution officials, and adequate penalties and deterrents with actions that go “beyond law enforcement,” which involve engagement with communities in sustainable livelihoods initiatives.

As mentioned elsewhere, most offenders participated in the crime in a mostly unplanned or opportunistic manner. There was a range of examples which included: responding to a request from their employer to poach a buffalo; because their dogs found a pangolin; because they found elephant tusks, either buried or on a carcass; because a leopard attacked their cattle; or because they needed food and saw an oryx. Whatever the truth of these individual stories, the importance of considering the environmental factors influencing people on the day is evident. Preventative strategies involving decision-making tools might assist individuals in avoiding these situations (see “Recommendations” in Chapter 8).



The Supreme Court in Windhoek, Namibia

RESULTS AND DISCUSSION **LEGAL PROCEEDINGS**

KEY FINDINGS



CHARGES AND PLEAS

The 45 offenders faced a total of 92 charges under seven acts, to which many pleaded guilty. Pleading guilty and the lack of legal aid applications were based upon the incentive that this will reduce time spent in pre-trial custody or prison upon conviction.



SENTENCING

Around one-third of the offenders (16) were sentenced to direct imprisonment without the option of paying a fine.



PREVIOUS CONVICTIONS

Only five offenders admitted to having previous convictions.

Across the 31 court cases, there were 156 suspects²¹ of whom 120 were arrested. One hundred and eleven of these were charged, and 98 were convicted (45 of these were interviewed). Reasons as to why there is a proportion of suspects who were not arrested, charged or convicted include: the death of the suspect; the suspect fled the

crime scene or absconded from custody; the charges against the suspect were withdrawn; the suspect pleaded not guilty and won the case; and some suspects were believed to be informants that were let go shortly after their arrest.

PREVIOUS CONVICTIONS

Five offenders revealed that they had previous convictions, of whom three had convictions that were wildlife-related involving hunting oryx illegally (in three separate incidents). One offender was also convicted for illegally hunting a bushpig (*Potamochoerus larvatus*) when he was under 18 and served time doing community

service. Other previous convictions included stock theft, rioting and assault. 35 offenders reported that they did not have any previous convictions, while five offenders did not answer this question. TRAFFIC was unable to verify the previous convictions mentioned or the lack thereof.

PLEAS, CHARGES & SENTENCING

The 45 offenders faced a total of 92 charges under seven acts with the following pleas: Guilty: 78; Not Guilty: 9; and Unknown: 3 (see "Appendix 2" for acts, charges and pleas). Pleading guilty and the lack of legal aid applications were based upon the incentive that this will reduce time spent in pre-trial custody or prison upon conviction. The two main acts used to classify offenders as wildlife criminals were the Nature Conservation Ordinance 4 of 1975 and the Controlled Wildlife Products and Trade Act 9 of 2008. The offences charged under these two acts comprised seven and three charges, respectively (Figure 8).

The decision to prosecute in Namibia is not exercised and decided upon at the policing level, but rather at the level of the prosecuting authority (J. Mudamburi, Office of the Prosecutor General, *in litt.* to D. Prinsloo, September 2020). In contrast, in two cases, some offenders believed that age played a role in the decision to arrest or charge. In the first case, the offender claimed that their older counterparts

were neither arrested nor formally charged despite one admitting to ownership of the wildlife product—a pangolin that he smuggled to Rundu, Namibia, from Angola. In the second case, an elderly counterpart admitted to providing two firearms to the offender, which were used to poach an elephant in Mudumu National Park, Namibia. The counterpart was labelled as a "known wildlife trader in his village" according to the offender. However, unbeknownst to the offenders, there are a variety of reasons why certain suspects were not arrested, charged, and/or prosecuted and this is decided by the prosecutor allocated to their case. In a different case, the offender believed that the charges against him "changed" e.g. the offender was a taxi driver and was asked to pick up clients who were carrying two elephant tusks and a weighing scale in black school bags. Once detected by law enforcement, the others fled while the offender was arrested. He explained that because of the presence of the scale, the prosecution charged him with dealing in, as opposed to possession of, controlled wildlife products (elephant tusks).

²¹ 156 suspects were calculated based on the number of individuals the offenders revealed during their interviews

Twenty-seven offenders were sentenced to imprisonment or a fine, 16 offenders were sentenced to direct imprisonment and two offenders were sentenced to both imprisonment and a fine (Figure 10). Export of controlled wildlife products, for which three offenders (co-accused) were charged, had the longest prison sentence (14 years; Figure 9). The court considers the severity of the offence, its impact and explores various aggravating and mitigating factors before sentencing. Being driven by financial gain to commit the crime and targeting protected and specially protected species are

both factors that increase the severity of the sentence. In the case involving the three co-accused, the compound effect of conviction on multiple counts and charges might have led to the penalty of direct imprisonment without the option of a fine. Many offenders were not able to pay fines, some as low as NAD1,000 (USD57) or NAD2,000 (USD114), because they did not have the money available. This supports the impression that many of the offenders operated at the lowest levels of the criminal hierarchy.

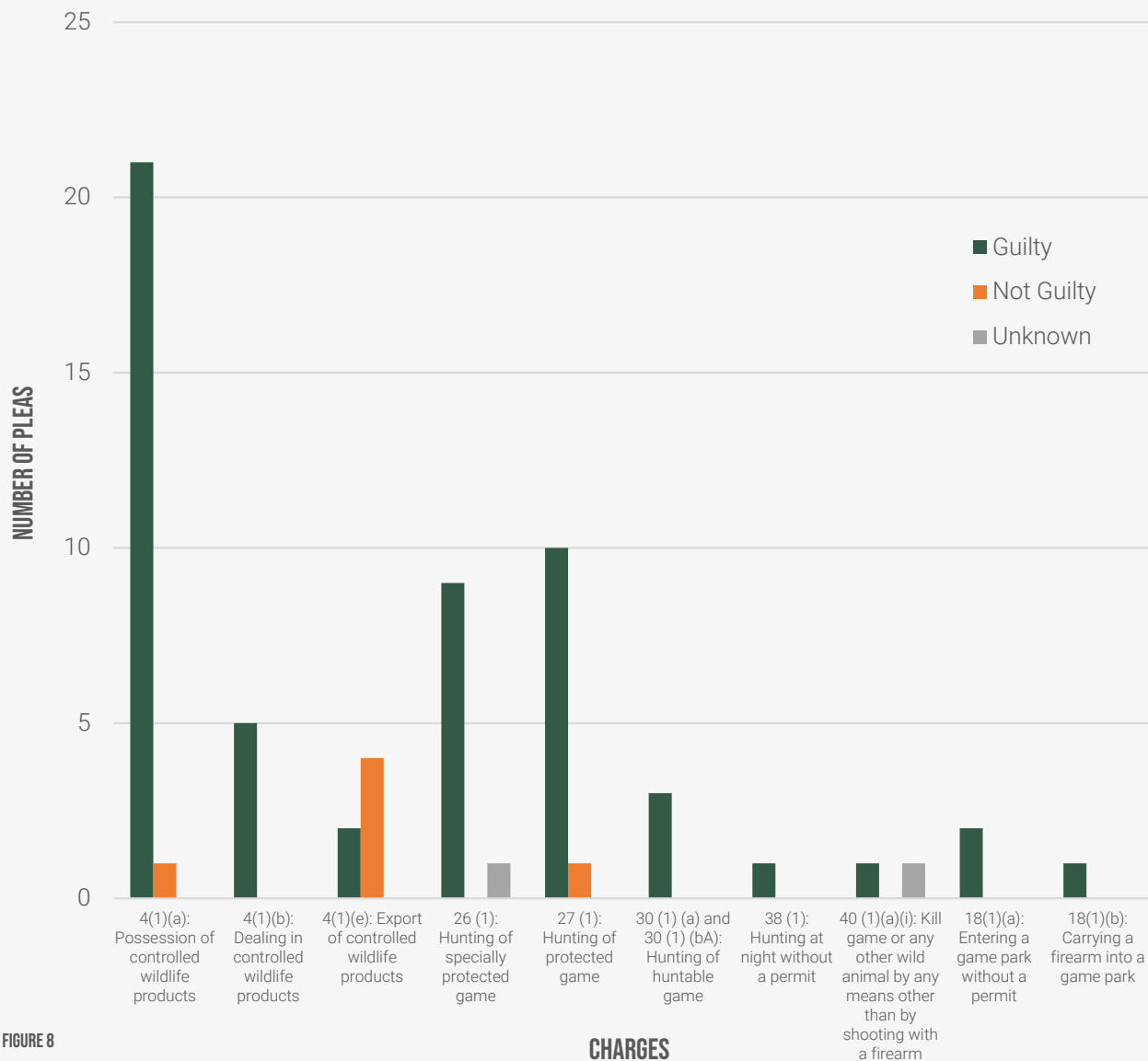


FIGURE 8
The number of pleas (guilty, not guilty and unknown) according to charges under the two main acts.

LEGAL REPRESENTATION

Only four offenders made use of a defence lawyer. In one case, three offenders used three different lawyers to represent them during their initial court case and appeal. One offender applied for and received legal aid, but many others did not. Their reasons included "he felt it would prolong the case," "he asked for legal aid but the application

kept on being delayed," "he heard from others that it could take two years," and "he asked for legal aid but decided against it as he did not want to spend time waiting in custody." Other reasons for not applying for legal aid were not provided.

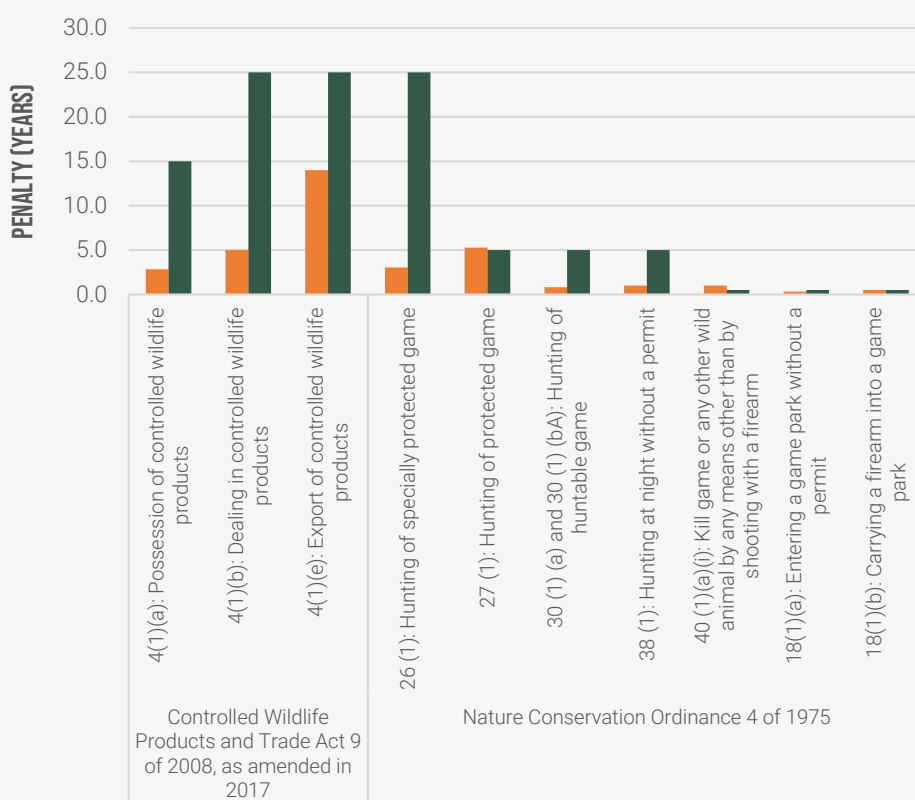


FIGURE 9

The average prison time (years) to which the 45 offenders were sentenced, compared to the maximum allowable prison sentences described by the corresponding charges under the two main acts

ACTS AND CHARGES

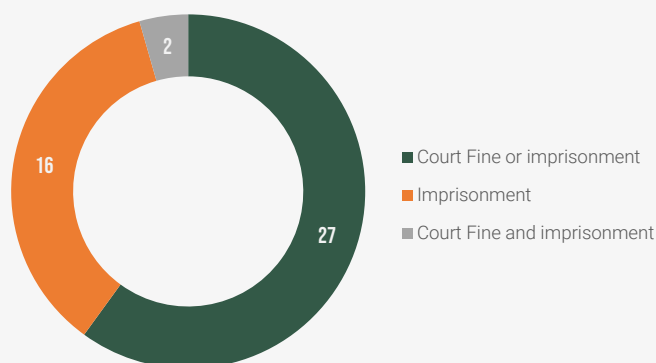


FIGURE 10

The number of offenders according to their type of sentence.

DISCUSSION

IT IS IMPORTANT TO NOTE THAT MANY INDIVIDUALS BECOME FAMILIAR WITH THE REALITIES OF INCARCERATION IN THE FIRST FEW MONTHS OF THEIR SENTENCE WITH MANY INDICATING THAT SEPARATION FROM THEIR FAMILIES AND NOT BEING ABLE TO SUPPORT THEM AS THE MAIN CONSEQUENCES OF INCARCERATION.

Even a few months in prison might be enough to act as a deterrent to prevent re-offending. In this study, there were a large number of guilty pleas. For wildlife crimes in general, the accused often pleaded guilty if there was an anticipated lengthy delay in getting the matter to trial (K. Pretorius, Green Law Foundation, *pers. comms.* to D. Prinsloo, May 2020).

Often, complex wildlife crime cases can take up to a year before a trial starts. Less complicated court cases should not take more than four to six months (Pretorius, 2020). Any longer length of time can be an indication of a backlog in the court roll (Pretorius, 2020). In law in general, “just to get the case over with” is not a justifiable legal reason in a criminal court for an accused to plead guilty, however, there are strong incentives related to this reason. These incentives include the discount on sentence, which is greater the earlier someone admits guilt (Helm 2019). Defendants that do not plead guilty may wait many more weeks in pre-trial custody or remand in prison for the trial to begin and are aware that they could get out of prison much sooner if they plead guilty (Helm 2019). These incentives are problematic as they may disproportionately influence vulnerable defendants (Helm 2019), including those that have never been exposed to court case proceedings before. Some research indicates that defendants plead guilty to terminate as quickly as possible the punishment of being caught up in legal proceedings (Cheng 2013).

On the other hand, pleading guilty is often used as a tactic by organised criminals in that one individual will plead guilty to the charges resulting in the withdrawal of charges against the co-accused (Pretorius, 2020). A syndicate may “sacrifice” a lower level member of the group, who then takes the fall for all the charges or the most serious ones. In this study, in one case, a joint offender was initially put forward to plead guilty on all charges. However, this arrangement was not accepted by the prosecution (Pretorius, 2020). A further tactic used by organised criminal groups is to plead guilty and request that the matter is finalised on the same day to prevent the prosecution from obtaining the accused’s previous convictions, which would show that he/she is not a first-time offender (Pretorius, 2020).

The proactive role of private and legal aid defence lawyers to ensure that the prosecution is held to strict time limits is imperative to prevent the accused from being “pressured” into pleading guilty (Pretorius, 2020). Applicants need to be eligible to apply for legal aid as laid out in the Regulations of the Legal Aid Act 29 of 1990 as amended by the Legal Aid Amendment Act 17 of 2000, which indicates that “A person may qualify for legal aid if his or her monthly income, as determined in accordance with the provisions of sub-regulation (3), does not exceed the amount of NAD3,500...” According to these regulations, legal aid is not a free service as “every applicant who is granted legal aid must contribute NAD350.” Given that most offenders had irregular, unreliable, low sources of income, many could have applied for legal aid, however, it is likely the financial motivation to get involved in IWT also meant that this contribution was not affordable. In comparison, legal assistance in South Africa is tax-funded, and if an accused qualifies, the service is entirely free, and the legal representative is not allowed to be paid.²² Further interviews with the offenders are needed to understand fully the somewhat unsatisfactory legal processes or circumstances some experienced during their pre-trial period.

²² “3. The objects of Legal Aid South Africa are to... (b) provide legal representation to persons at state expense...” - Legal Aid South Africa Act 39 of 2014

The outcomes of the court cases reflect that the law enforcement and justice system agencies used the full ambit of the legislation at their disposal to charge, convict and sentence these offenders. The length of the sentence depends on its seriousness and the maximum penalty allowed by law. As previously mentioned, sentences for the main wildlife charges have increased in Namibia. However, setting static penalties fails to differentiate between the different motivations and economic situations of individuals hunting for subsistence and commercial poachers and high penalties (Leader-Williams and Milner-Gulland, 1993). In a Zambian study, lengthy prison sentences did not necessarily deter individuals from engaging in wildlife crime (Leader-Williams and Milner-Gulland, 1993). These sentences may be incomprehensible to many individuals, especially if they had never been imprisoned before, knew someone who went to prison, visited a prison or seen what imprisonment may be like from television. It is important to note that many individuals become familiar with the realities of incarceration in the first few months of their sentence with many indicating that separation from their families and not being able to support them as the main consequences of incarceration. Even a few months in prison might be enough to act as a deterrent to prevent re-offending. Therefore, alternative penalties, and subsequently, deterrents should be considered instead of a custodial sentence.



Traditional village inside the Okavango Delta



CONCLUSIONS

CONCLUSIONS

Given that information on the nature and extent of wildlife crime and the offenders who are involved in these crimes is not well-known in Namibia, this study partially fills this knowledge gap. It provides unique insights into socio-demographics, locations, psychographics, and personal circumstances leading to criminal involvement and arrest and the *modus operandi* used to harvest and move illegal wildlife products. All of these findings can assist Namibian law enforcement and the judiciary to combat IWT. An analysis of offender socio-demographics revealed behaviour patterns that could be used to define distinctive offender profiles, thus streamlining enforcement actions.

All offenders were male, most had dependents, many had not completed high school, and some had low irregular sources of income.

More than half of the offenders were non-nationals, mostly from Namibia's neighbouring countries in the KAZA region. The location of Katima Mulilo close to the borders of three countries leads to its use as a central hub for trade and transit of illegal wildlife products. The fact that Chinese individuals committed wildlife crimes is not unusual in Namibia. In April 2013, it was reported that many Chinese nationals who have been jailed in Namibia were guilty of wildlife crimes (Shapwanale, 2018). Many Chinese have been arrested and formally charged in the escalating poaching of rhinos and elephants in Namibia as well as the illegal export of rhino horn and ivory (Brown, 2016).

Poaching and processing tools used included spears, dogs, firearms, knives, and axes. Techniques, such as snares, nets, or poison, were not mentioned by perpetrators. While many offenders were not personally involved in the killing or taking of the animal, most were involved in the transport of wildlife products. The point where law enforcement found the illegal items (the discovery location) sheds light on how they were transported. Transportation via vehicle was the primary mode of transport for moving wildlife products throughout Namibia. This report can be used to support Namibian authorities in tackling IWT because it has detailed information that can assist focused demographic, geographic and enforcement

profiling. This information will help with identifying who to target as potential suspects, where to locate police roadblocks or checkpoints, how perpetrators from neighbouring states move across borders, and how wildlife contraband is concealed.

The results of this study also provide insight into the personal stories behind wildlife crime. Beyond the standard demographic analysis, the study explores the psychology behind the actions, describing the underlying drivers and motivators that lead to poaching and engagement in wildlife trade. It also highlights attitude to risk and ignorance of the actual consequences of arrest and prosecution.

Many offenders were “low-level” actors or opportunists trying to improve their livelihood, without a clear sense of reward or avenues for onward sale. These offenders traded their years and time spent with their families for the consequences of their decision to engage in wildlife crime—incarceration.

Almost all offenders claimed to be first time participants in crime. Taken at face value, the interviews revealed that many offenders were victims of circumstance and situations beyond their control, and many did not realise the implications that penalties, such as prison, would have on themselves and their families. For most offenders, there was little evidence of violent or aggressive tendencies, criminal syndicate hierarchies or personality signifiers for systematic, structured habitual malintent. This may not be reflective of the main perpetrators of illegal poaching and trafficking worldwide, but it seems reflective of many imprisoned for these crimes in Namibia.

It is important to note that if the organisers of IWT continue to evade detection and arrest and continue to go unpunished, many individuals will continue to get involved in IWT and others can easily replace them should they be caught, convicted and imprisoned. Incarceration only places more pressure on their families.

“ THIS STUDY PRESENTS AN **OPPORTUNITY FOR DEVELOPING A PREVENTION STRATEGY** TARGETING COMMUNITY MEMBERS WHO MAY BE TEMPTED TO ENGAGE IN IWT WITHOUT FULLY UNDERSTANDING THE IMPLICATIONS OR CONSEQUENCES OF THEIR ACTIONS.

RECOMMENDATIONS

The results of this study provide considerable insight into the socio-demographic and psychographic profiles of low-level offenders, as well as the nature and *modus operandi* of their crimes. Reducing the number of criminal offences that occur may ultimately require a more expansive and holistic approach, beyond enforcement and application of the law as it stands today:



LEGAL FRAMEWORK

There is a suite of legislation in place in Namibia to protect wildlife. Improved levels of interdiction and prosecution will effectively reduce involvement in IWT. There is also an opportunity for the Ministry of Justice (MoJ) and NCS, alongside penologists and possibly wildlife trade specialists, to review the appropriateness of sentencing and whether the intention is either to punish or deter. A lesser prison sentence and an alternative to incarceration may do both.



CASE DELAYS

The sheer volume of ongoing cases is leading to lengthy delays in court proceedings. These foreseeable delays are placing pressure on defendants to plead guilty to avoid even longer detention periods. Further investigation is needed to understand how the criminal justice system can be made more efficient, which may involve both increasing the number of prosecutors and magistrates and also improving systems and procedures.



LEGAL AID

The decision by offenders not to apply for legal aid is worth further exploration by the Legal Aid Directorate. One of the recommendations of this study is that legal aid, which is necessary to assist low-income individuals in putting forward their defence at trial, is made entirely free. The obligatory "contribution" of NAD350, which effectively acts as a barrier to access, should be removed. In this study, the impact of this contribution is that many offenders are left with no choice but to conduct their own defence which is to their disadvantage (see "Pleas, Charges and Outcomes" in Chapter 6).



IWT DYNAMICS IN NAMIBIA AND BEYOND



LIMITING INDIVIDUAL INVOLVEMENT

SAMPLE SIZE

OFFENDER PERCEPTIONS AND ATTITUDES

These interviews provide information on IWT dynamics within Namibia in its role as a source country.

Some information was obtained on the role of Namibia's neighbouring states; however, this is insufficient, and there is a need to understand better the cross-border trade dynamics within the KAZA region to direct prevention strategies accordingly. It is therefore recommended that TRAFFIC extend this research to include interviews with wildlife crime offenders in neighbouring states and consumer states, with an emphasis on those offenders at higher-level positions within the supply chain, such as the middlemen linking the source, supply and consumer countries. These could specifically target higher-level operatives beyond Namibia's borders that have so far eluded capture and will remain drivers, facilitators, and enablers of IWT.

Based on the study results, TRAFFIC recommends that strategies designed to inhibit engagement in wildlife crime should include "up-stream" preventative interventions. These would fall under the heading of behaviour change strategies and complementary alternative livelihood schemes that have the potential to dissuade the lower-level operatives (typified by those interviewed in this study), from engaging in "wildlife crime" (both need and opportunities driven). This area of work is described in detail below (see Changing behaviours as a pre-emptive strategy).

It is recommended that future similar studies should be based on a larger sample size to allow for more robust statistical analyses of data.

This study has highlighted some interesting issues in terms of offender perceptions and attitudes which are worth exploring further, e.g. through qualitative focus groups, to inform appropriate behaviour change communication (BCC) messaging. Assuming that further funding could be secured, further research would be undertaken by experienced organisations to help design a BCC strategy targeting people who are tempted to engage in wildlife crime.

CHANGING BEHAVIOURS AS A PRE-EMPTIVE STRATEGY:

The relevance of behaviour change approaches to dissuade engagement in crime further is emphasised in the "Why" chapter of this report. Focusing on the drivers of behaviour behind the decision to participate in IWT activities, messaging should be designed around each of the motivations (financial, nutritional, social and functional). Communications will challenge respondents to re-assess their consideration of the potential gains versus costs/risks. These communications could develop around cautionary narratives created around the shame, guilt, sense of sorrow and loss experienced by those convicted of wildlife crimes. Messaging

should also address social influences such as pressure from peers or their employer. Other behaviour change approaches could be grounded within the motivation categories, which would complement "pathways to criminal behaviour"/behavioural journey mapping.

BCC experts could develop messaging that could take the form of educational entertainment materials delivered across various media, including community outreach, for example:



TALES CO-PRODUCED AT THE COMMUNITY LEVEL WITH REHABILITATED OFFENDERS AND EMBEDDED IN "EDUTAINMENT" STYLE RADIO DRAMAS OR SHORT SEGMENTS ON TV, COULD BE INCREDIBLY IMPACTFUL.



LOCAL TOURING THEATRE GROUPS COULD DELIVER PLAYS AND PARTICIPATORY ACTIVITIES, WORKING THROUGH REAL-LIFE SCENARIOS AND ROLE-PLAYING EXERCISES THAT EQUIP AUDIENCE MEMBERS WITH PHRASES AND TACTICS TO AVOID DISAPPOINTING THOSE APPLYING VERTICAL OR KINSHIP PRESSURES TO ENGAGE IN IWT.

Such BCC messaging would complement existing government communications which are purely knowledge and awareness focused, providing information on the law and penalties, designed to be deterrents, but only addressing perceptions of “cost” from a one-dimensional (financial) perspective. For offenders that had the category “functional” as their “primary” motivation, it would be critical to ensure that barriers to change, such as an inability to secure enough to eat and slow/no processing of compensation claims when livestock are lost, are reduced. Traditional hunters could be engaged (by the project) as champions for, and custodians of, the “living” landscapes in which they hunt, with complementary programmes that recognise/celebrate the cultural significance of their knowledge and skills. Changing behaviours, in this context of IWT, would also require incentives (benefits) and the provision

of substitute, alternative behaviours to engaging in IWT. Such interventions might include livelihood schemes such as small scale horticultural/livestock or micro-enterprise schemes. Further considerations are described in detail in the report titled *Livelihood alternatives for the unsustainable use of bushmeat* (van Vliet, 2011).

In conclusion, conducting offender surveys provides insight into the criminal, geographic, demographic, motivational and behavioural components of wildlife crime. Without much needed behaviour change interventions and alternative sustainable livelihood options in the manners described above, wildlife crime will continue in and around protected areas. This report provides a firm foundation for initiatives to address these recommendations.



Community members standing in front of their home in the Zambezi Region

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ANNEX I ACTS, OFFENCES AND PLEAS

Table showing the offences under the seven main acts to which the 45 offenders were charged and their corresponding pleas.

ACT	SECTION AND CHARGE	GUILTY	NOT GUILTY	UNKNOWN	TOTAL
Arms and Ammunition Act 7 of 1996	2: No person shall have any arm in his or her possession unless he or she holds a licence to possess such arm.	6			6
	33: Subject to sections 34(2) and 44, no person shall be in possession of any ammunition unless he or she is in lawful possession of an arm capable of firing that ammunition.	4			4
Controlled Wildlife Products and Trade Act 9 of 2008 as amended in 2017	4(1)(a): Possession of controlled wildlife products	21	1		22
	4(1)(b): Dealing in controlled wildlife products	5			5
	4(1)(e): Export of controlled wildlife products	2	4		6
Criminal Procedure Act 51 of 1977	51(1) (of CPA): Escaping lawful custody	1			1
Immigration Control Act 7 of 1993	6, 7 or 8: Entry into Namibia at any place other than the port of entry	13			13
Nature Conservation Ordinance 4 of 1975	26 (1): Hunting of specially protected game	9		1	10
	27 (1): Hunting of protected game	10	1		11
	30 (1) (a) and 30 (1) (bA): Hunting of huntable game	3			3
	38 (1): Hunting at night without a permit	1			1
	40 (1)(a)(i): Kill game or any other wild animal by any means other than by shooting with a firearm	1		1	2
	18(1)(a): Entering a game park without a permit	2			2
	18(1)(b): Carrying a firearm into a game park	1			1
Prevention of Organised Crime Act 29 of 2004	6 read with 1, 8 and 11: Money Laundering: Acquisition of proceeds of unlawful activities		3		3
Trespass Ordinance 3 of 1962	1(1) (a) or (b): Any person who without the permission (a) of the lawful occupier of any land... or (b) of the owner or person in charge of any land enters or is upon such land... shall be guilty of an offence...	1		1	2
	TOTAL	80	9	3	92

TRAFFIC is a leading non-governmental organisation working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development.

FOR FURTHER INFORMATION CONTACT:

TRAFFIC
Global Office
David Attenborough Building
Pembroke Street
Cambridge CB2 3QZ
UK

+44 (0)1223 277427
traffic@traffic.org
traffic.org

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