

A CRIMINOLOGICAL PERSPECTIVE ON ILLEGAL TRADE

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Gerhard Swanepoel, Criminologist and Director of the Criminological Research Centre for Wildlife and Environmental Crimes, has been conducting criminological research since 1991 on the illegal wildlife trade in South Africa. This article is a summary of his conclusions, which present a review of the nature and extent of the illegal trade in endangered species, with rhino horn as a relevant South African example. Mr Swanepoel is currently in the process of finalising his thesis at UNISA on the subject matter.

The paper, *The Illegal Trade in Rhino Horn as an example of an Endangered Species*, presented by Mr Swanepoel at the Third International Criminological Congress (1996), establishes that the illegal trade takes place in and around cities, where thoroughfares and airports exist as well as where established crime syndicates operate. The profile drawn of the illegal trader, indicates that most of the offenders



are males in their thirties. They can either be single or married. The majority of the offenders are black, followed by white and coloured offenders and speak mostly Afrikaans, Zulu or English.

The educational level is significant as a certain degree of schooling is necessary for negotiation of rhino horn prices. In one third of the cases the educational level of the illegal traders is below grade ten. Another third of the violators have obtained a senior certificate or grade twelve. In 30% of the cases the offenders are unemployed and the largest section of the remainder is divided between general labour and business.

This type of crime involves large financial losses as well as the loss of national heritage in the form of endangered wildlife. Those involved in the combat against the illegal trade in endangered wildlife, should take note of the fact that offenders take advantage of the public's ignorance concerning the nature and extent of the crime. The task, therefore, extends beyond the scope of a moral issue and wildlife conservation for legislators, law enforcers and the general public to deem the illegal trade in endangered species as a heinous crime deserving of their attention.

Up to now conservation agents such as TRAFFIC have been monitoring the illegal trade in endangered species and have to a certain extent indicated the decline in numbers of endangered species as well as mainly economical reasons for smugglers becoming involved in this type of crime. Limited research has been done in the field of green environmental criminology in spite of the illegal trade in wildlife products being the second largest illegal market globally. Over and above the economical reasons, it should also be borne in mind that permit control in Africa is not up to standard and in many cases non-existent. CITES permits are issued with little intervention from official organisations. This matter definitely deserves further criminological study and investigation.

Contradictory viewpoints on this type of crime hamper the effective application of regulations. There are those interested only in the monetary value of endangered species. Then there are groups with a moral, sentimental

approach attempting to put their views across by activism, eco-terrorism etc. Conservationists form a third group. This group focuses exclusively on the conservation and regulation of endangered species.

There also seem to be discrepancies concerning statistics compiled by conservationists such as the African Elephants and Rhinos Status Survey and the Conservation Action plan, compiled in 1990 for the International Union for Conservation of Nature and Natural Resources (IUCN). Figures, such as counts on certain species, assembled by individual institutions concerned with conservation or governmental - and non-governmental organisations vary considerably. Conservationists rely heavily on data, especially counts, gathered on a scientific basis rather than making use of human social sciences within an economical sphere in order to understand the criminal justice process involved in this type of crime to prevent it.

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Table 6: Decline in numbers of the black rhinoceros during this century

Year of count	Number of years	Estimated Animal Count	Projected total of animals killed per year
1900	n/a	100 000	n/a
1960	60	70 000	500
1970	10	65 000	500
1981	11	10 000 – 15 000	5 000 – 4 545
1987	6	3 800	1 033 – 1 867
1995	8	2 200	200

Unfortunately, despite the 20 year ban on the trade of rhino horn, the illegal trade in rhino horn still continues and is a highly lucrative international trade. This explains why certain conservationists feel that the ban on trade in rhino horn, regulated by legislation and conventions, is not successful. It is interesting to note that since the establishment of CITES in the mid 70's and thus also the ban on trade in rhino horn, and with the introduction of policing, there seems to be a decline in the actual killings of black rhinos. This is illustrated by the following table where the remainder number of animals in a certain year's count are divided by the total number of years:

A fact that could have contributed to the above perception amongst certain individuals and conservationists is the fact that although a ban on the trade in rhino horn has been in place for the past 20 years, active policing in the field of endangered species in South Africa only came into place seven years ago. This has already produced good results. Previously the task was hampered by problems such as park officials, national and private owners being restricted by private, national and international borders and so forth. The police service has the ability to move between borders and can also conduct anti-poaching exercises in various national parks or private game parks. They do, however, experience certain problems that hamper their task.

The source of illegal wildlife products cannot be forensically traced, as a database has not yet

been developed and forensic tests are too expensive for most law enforcement agencies. A homogenised law regulating the illegal trade in endangered wildlife could contribute to better policing efforts. Law enforcement can benefit from addressing the problems facing conservation officials such as a lack of basic equipment. Money should be invested in this, rather than the glossy reports and expensive show offs which accompany the thriving endangered species bandwagon.

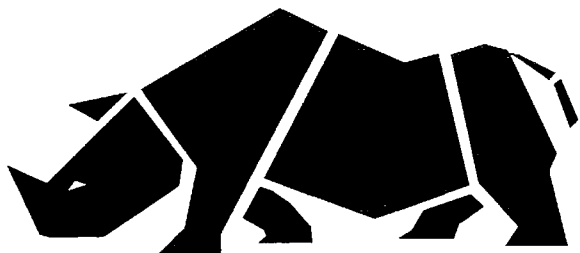
There is a notion amongst certain concerned groups in South Africa to legalise and privatise the trade in rhino horn. This would allow regular harvesting of horns which can be sold to potential buyers. Profits can be beneficial as most parks and wildlife agencies have insufficient funds to protect their rhino populations adequately. Furthermore, severe poverty exists amongst rural people in many African countries. These people would risk their lives to poach rhinos for a seemingly small reward.

The problem with the proposed legalisation of the trade in rhino horn, is the tendency that illegal trade continues in spite of legalisation. An example can be found in the diamond and gold industries. Trade in diamonds and gold in South Africa is legal, but in 1993/1994 665 prosecutions and 503 convictions for the trafficking in gold, and 377 prosecutions and 341 convictions for trafficking in diamonds, were documented. The conclusion that can be drawn is that in spite of legalisation, smuggling still continues. Legalisa-

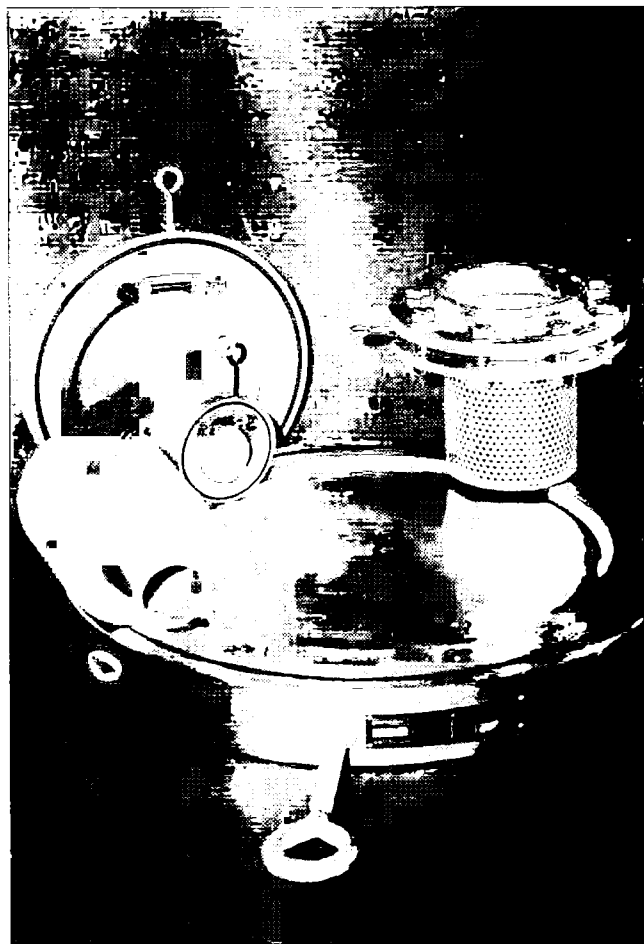
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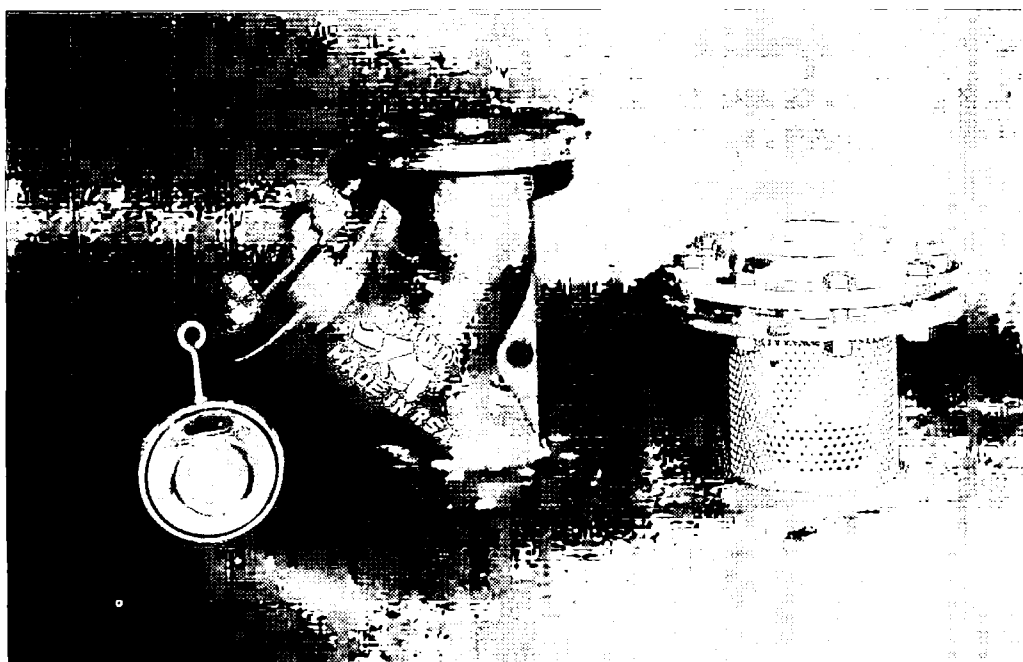


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tion without any proper counter measures and strict control, will only create a parallel opportunity for the illegal trade to exist with the legal.

More extensive research has to be done in the field of green environmental criminology in order to understand the full extent of the illegal trade in wildlife products. Wildlife and green environmental criminology should be studied as a criminological field in its own right, encompassing the poaching, illegal trade in endangered and vulnerable fauna and flora species and other crimes against wildlife and its habitat. Apart from the above, crimes such as pollution, illegal disposal of toxic waste and the illegal trade in radio-active substances should also receive attention.

A multi-disciplinary approach towards the understanding of this type of crime could benefit the effective application of regulations. All approaches such as private property rights, increased autonomy in state conservation agencies, moral attempts and conservation, should be included in the discussion surrounding the illegal trade in endangered species. One angle that should be added is that of the criminal justice process. This includes criminological research, policing and other criminal justice issues. It is now the time to realise that the illegal trade in

endangered species is no longer a matter of private or moral interest, but a criminal issue that needs to be addressed in the same way as other serious crimes such as abuse, rape, murder and theft.

In South Africa a new approach is being followed at the Endangered Species Protection Unit (ESPU) to accommodate a multi-disciplinary participation towards the understanding of the illegal trade, for example in endangered species, which could benefit the effective application of regulations. In co-ordination with the ESPU a Criminological Research Centre for Wildlife and Related Crimes (CROWA) has recently been established to provide a multi-disciplinary approach (criminological, juridical, social - and conservation science) on the issues of wildlife and environmental crime. The mission of this centre is to research, understand and explain crime against wildlife and the environment in order to assist those agencies concerned with controlling, combating and preventing wildlife and environmental crime.

The CROWA Centre is an excellent example of community policing in South Africa, as it is a registered project of the Endangered Species Protection Unit Trust which is a privately funded trust to assist the ESPU in obtaining their goals.

