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A question of scales

Assessing strategies for countering illegal trafficking of pangolins in Africa

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Summary

Pangolins – also known as scaly anteaters – are among the most trafficked wildlife species in Africa and are considered the most trafficked mammal globally.¹ The huge demand for their scales and meat, largely from Southeast Asia, has created a lucrative illicit market run by transnational criminal syndicates.

In Africa, most countries use generic anti-wildlife crime policies and strategies to address the illicit trade in pangolins. This approach fails to address specific issues related to the protection of pangolins, such as the loopholes in policies in dealing with the illegal trade in the species.

This policy brief identifies the gaps in existing policies and strategies, and offers evidence-based policy recommendations for the protection of pangolins and to stem illicit trade in Africa.

Key points

- In Southern Africa, most of the trade in pangolins is in live Temminck's ground pangolins (*Manis temminckii*) rather than in their scales.
- Criminal networks seek to use South Africa as a hub to export pangolin scales obtained from other parts of Africa to Asia.
- Outdated provincial legislations and different levels of listing of the pangolins contribute to the flourishing illegal trade in the mammals.
- There is no specific strategy designed to address the illicit harvesting and trafficking of pangolins.

Recommendations

- Accelerate the process of approving and adopting the South African National Integrated Strategy to Combat Wildlife Trafficking.
- Raise awareness about pangolins through media campaigns, programmes, workshops and other innovative approaches.
- Increase the capacity of law enforcement agencies to deal with wildlife trafficking.
- Review bail procedures for suspected wildlife offenders.
- Develop an investigation and prosecution manual that deals specifically with wildlife crime.
- Develop a biodiversity management plan aimed specifically at pangolins.
- Establish a partnership between civil society and non-governmental organisations, the Department of Environmental Affairs and law enforcement agencies to identify the difficulties and challenges these agencies face in dealing with wildlife crimes.

Introduction

Wildlife crime is a national and regional security threat and a policy priority for governments around the world.² The region of Southern Africa is no different, as wildlife crime has soared in recent years. Consequently, strategies to combat illegal wildlife trafficking in the region have gained traction and underscore the importance of the issue within the region. While these strategies have tended to focus predominantly on the most well-known species, such as rhinos and elephants, the situation of pangolins – also known as scaly anteaters – has not received much attention, even though pangolins are the most trafficked mammal in the world, with an estimated 1 million pangolins trafficked in the past decade.³

The huge demand for the scales and meat of pangolins, largely from Southeast Asia, has created a lucrative illicit market run by transnational criminal syndicates. In Africa, responses to the illicit trade in pangolins varies from state to state, and from region to region. Most countries use generic anti-wildlife crime policies and strategies to address the illicit trade in pangolins. But this approach fails to address specific issues.

This has necessitated an analysis of the dynamics that underpin the sector, and a thorough assessment of the strategies for countering the illicit trade in pangolins in Africa, using South Africa as a case study. The main purpose of the study is to identify the gaps in existing policies and strategies, and to offer evidence-based policy recommendations to protect pangolins and stem the illicit trade in Africa.

Objectives

This policy brief intends to:

1. Contextualise and assess pangolin trafficking in South Africa.
2. Assess three strategies on the illegal wildlife trade developed by the African Union, SADC and South Africa, respectively, and their relevance to pangolins.
3. Provide recommendations on how to address the problem.

Definitions

Environmental crime – any illegal activity carried out by a criminal entity to generate profits that harms the ecosystem by damaging environmental quality, hastening biodiversity loss and depleting natural resources.

Ecosystem – a dynamic complex of plant, animal and microorganism communities and their non-living environment interacting as a functional unit.

Species – a population of individual organisms capable of mating with one another and producing fertile offspring in a natural setting, and which share common and specialised characteristics.

Stakeholder – an individual or group with a vested interest in the conservation of a particular area.

Sustainable use – use of wildlife resources that does not compromise the ability of future generations to use them or degrade the carrying capacity of wildlife ecosystems and habitats.

Wildlife – any wild indigenous animal, plant, microorganism or parts thereof within their constituent habitat or ecosystem on land or in water.

Methodology

To achieve its objectives, the study adopted a qualitative methodology as it aimed to explore, explain and capture the complexities of respondents' experiences of pangolin trafficking. To identify the scope and extent of the problem, a literature review was conducted covering academic literature, policy documents and NGO reports. Field research was conducted with the aim of providing recommendations to address the problem.

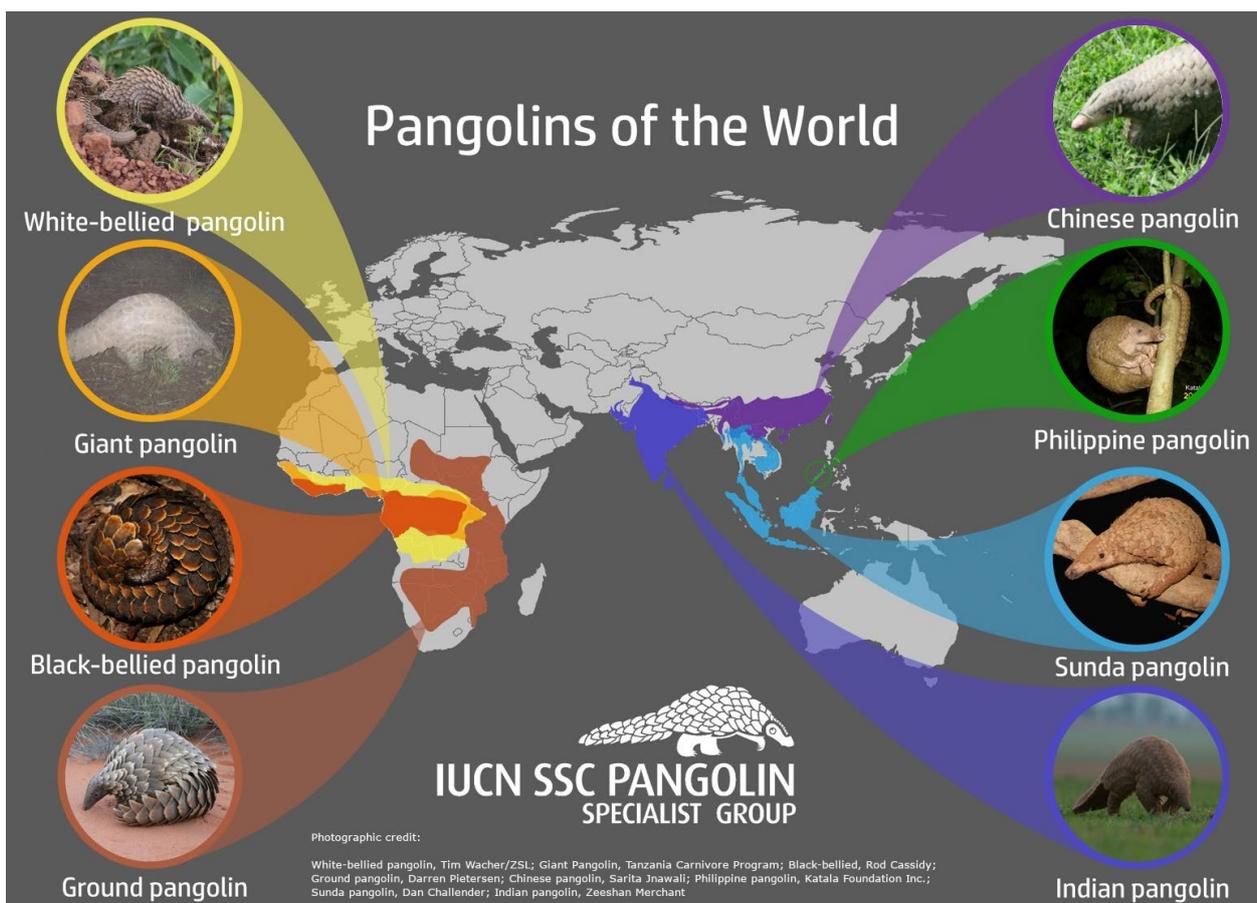
For the field research, 20 respondents were interviewed. Participants were selected based on their knowledge and expertise in the field of the illegal wildlife trade. They consisted of practitioners, policymakers, government and law enforcement officials, researchers, journalists and conservationists. The objective was to achieve broad representation at national, regional and continental levels. Semi-structured interviews were also conducted to provide practical recommendations that address the illegal trade in pangolins.

A validation workshop attended by five experts was then held to further evaluate the findings and strengthen the recommendations of the study. A draft copy of the policy brief was sent to five other experts who did not attend the workshop, for comments.

The illegal trade in pangolins presents a threat to national and regional security. Criminal networks involved in this trade are also involved in cross-border incursions and other forms of organised crime such as money laundering, illicit financial flows, and arms, drugs and human trafficking.⁴ There are also instances where profits derived from wildlife trafficking have been used to finance terrorism-related activities and rebel groups.⁵

It has therefore become imperative to move away from the perception that the illegal trade in pangolins is purely an environmental problem, but rather a form of serious transnational organised crime. In other words, the illegal trade in pangolins negatively affects countries' social and economic development, not only the environment.

Figure 1: Ranges of pangolins globally



Source: IUCN SSC Pangolin Specialist Group⁶

To understand pangolin trafficking, a useful starting point is to explain what pangolins are and why they are important.

Background – Understanding pangolins

Of the eight species of pangolin found globally, four are found in Asia and four in Africa. The Asian species include the Chinese pangolin (*Manis pentadactyla*), the Indian pangolin (*Manis crassica*), the Sunda pangolin (*Manis javanica*) and the Philippine pangolin (*Manis culionensis*). The Giant pangolin (*Manis gigantea*), White-bellied pangolin (*Manis tricuspis*), Black-bellied pangolin (*Manis tetradactyla*) and Temminck's ground pangolin (*Manis temminckii*) make up the African species.

On the IUCN Red List of Threatened Species, the Sunda and Chinese pangolins are listed as critically endangered, while the Indian and Philippine pangolins are in the endangered category. The African species are listed as vulnerable and the great likelihood is that they will become endangered if the current trade trend continues.

More than one million pangolins were poached globally between 2000 and 2013

Meanwhile, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 2016 transferred the pangolins from Appendix II to Appendix I. This conferred the highest protection status on the species from January 2017⁷ and prohibited the trade in pangolins for commercial purposes.

Given that pangolins are easy prey for poachers, have very slow reproduction rates and are difficult to breed in captivity,⁸ it is surprising that it was only at the Conference of Parties 17th CITES meeting that their status was changed. At the 11th CITES meeting in 2000, calls grew to move the Asian pangolins' status up the list, but parties failed to agree thus contributing to the continued hunting of all eight species. According to a recent report by Traffic that more than one million pangolins were poached globally between 2000 and 2013.⁹

The decline in the number of Asian pangolins and growing demand has resulted in criminal networks turning their attention to the African species.

Figure 2: What are pangolins trafficked for?



In Asia, the pangolin is a valuable commodity. Its flesh is consumed as a delicacy and is a symbol of luxury and wealth. Its blood and scales – crushed in powder form – are used in traditional Chinese medicine, and are believed to cure conditions such as asthma, rheumatism, skin disorders, cancer and cerebral palsy, and to promote blood circulation.¹⁰ The animal's foetuses are also consumed in the belief that they enhance virility.¹¹ The skin of the pangolin is processed into leather products such as bags and wallets.¹² In short, all parts of pangolins are profitable.

In Africa as in Asia, pangolins are also targeted for their flesh, skin and scales. Traditionally, in certain parts of Central and Western Africa, pangolins are considered a delicacy and consumed as 'bush meat',¹³ but their scales are discarded.

The shift in the dynamics of pangolin trafficking

As the growing illegal market in pangolins expanded from Asia into Africa, traffickers realised there was a profit to be made from the scales as well. With the involvement of Asian criminal networks, pangolin poaching and trafficking became more sophisticated and profitable. This trend is evidenced in the growing numbers of African pangolin scales seized by law enforcement officials.¹⁴

Figure 3 shows the upsurge in the number of seizures of pangolin scales. The figures for past three years are concerning, as they show a dramatic increase in volume. This could be explained in two ways. Firstly, it could mean that there has been a significant increase in the demand for pangolin scales. Secondly, and the most plausible explanation, is that awareness among law enforcement officials in identifying pangolins and their scales has increased.¹⁵ However, the challenges facing law enforcement, government and wildlife organisations in curbing the illegal trade in pangolins globally keep intensifying.

In contrast to escalating levels of trafficking of pangolins in other parts of Africa, the number of incidents in Southern Africa has been relatively low. However, throughout the region, especially in South Africa, trafficking tends to be in live Temminck's ground pangolins rather than their scales as is the case in other parts of Africa.

There is also a disturbing trend in an increased cross-border trade, specifically from Mozambique, Botswana and Zimbabwe into South Africa. Very strict laws and punitive jail sentences in Zimbabwe, for example, are a deterrent, whereas poachers find it easier to sell their catch in South Africa where sentences for pangolin trafficking are relatively light.¹⁶

The trade in live pangolins appears to have increased over the past three years in South Africa with the lowest at 10 in 2016, 16 in 2017 and 43 in 2018 and at the time of drafting this report, 12 in 2019.¹⁷ The price demanded for live pangolins also increased proportionally, up from

R9 000 in 2009 to R400 000 in 2017, and a reported R1 million in 2018.¹⁸

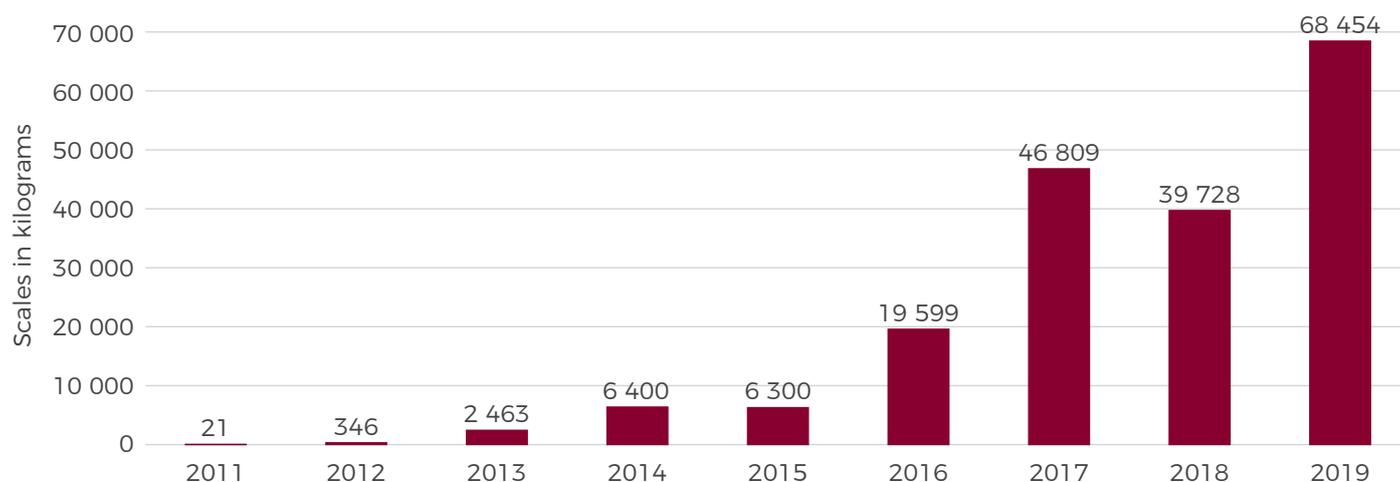
This indicates that traffickers are have come to realise that pangolins are profitable creatures. Additionally, it is less dangerous to capture a pangolin than to poach a rhino or an elephant. Unlike in other parts of Africa, there is not an established illegal market for pangolins in South Africa. But it is no reason for laxity.¹⁹

Poachers find it easier to sell their catch in South Africa where sentences for pangolin trafficking are relatively light

Incidents have shown criminal networks are using South Africa as a hub to export pangolin scales from other parts of Africa to Asia.²⁰ This could be an indication that traffickers are either using similar routes to those used to smuggle other illegal wildlife products, such as rhino horn and abalone shellfish, or are exploiting the country's weak border security.

Bearing in mind that transnational organised crime operatives are highly sophisticated and adaptable, this warrants attention. Typically, individuals and groups exploit border security and gaps in the system, allowing them to avoid detection and continue their activities unchecked. This presents a real threat to countries' national and regional security.

Figure 3: Volume of African pangolins scales seized (2011–2019)



Source: African Pangolin Working Group²¹

To this end, continental, regional and national policies and strategies that address the illegal wildlife trade are essential. Some of these initiatives will be examined in the next section.

Crafting responsive strategies

Given the rising threat that illegal wildlife trafficking presents and the growing demand for wildlife products, stakeholders have designed frameworks and strategies to address this issue. The frameworks at global level and strategies at continental and regional levels are examined below.

Global frameworks

At the global level, several agreements exist to regulate wildlife management and combat the illegal trade in wildlife, within which the pangolin is included. The most pertinent is the Convention on International Trade in Endangered Species of Wild Flora (CITES), whose objective is to protect endangered species by regulating or restricting their trade through a permit system.²² Two other frameworks are also relevant to combating transnational organised crime and wildlife trafficking: the United Nations Convention against Corruption (UNCAC)²³ and the UN Convention against Transnational Organized Crime (UNTOC).²⁴ Together, the three frameworks influence national legislations on wildlife trafficking and promote cooperation among states.²⁵

Continental strategy – African Union

In addition to the global frameworks, continental bodies provide policies and strategies that regional bodies and countries can consider when developing their respective legislations to address the illegal trade in wildlife. For the African Union (AU), the African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa is the primary strategy used to address the challenge of illegal wildlife trade on the continent.

During its 23rd Ordinary Session, held in Malabo in Equatorial Guinea in June 2014, the AU summit adopted a decision that targets the illicit exploitation and trade in African wild fauna and flora. It called on the AU Commission, in collaboration with the relevant partners, 'to develop an African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Flora and Fauna'.²⁶ The AU heads of state endorsed the strategy

at the next AU Summit, in June 2015, through Decision EX.CL/Dec.879 (XXVII), which called on member states and AU partners to support the strategy and facilitate the implementation of the action plan at national, sub-regional and regional levels.

The strategy takes into consideration the previous efforts of member states to combat illegal wildlife trafficking under CITES, and aims to provide a common and coordinated response by member states to 'prevent, reduce and eventually eliminate the illegal trade in wild fauna and flora in Africa'.²⁷ The strategy also proposes a two-fold objective of enhancing existing legal and institutional frameworks and assisting with the implementation of international conventions. To effectively achieve this, the strategy comprises seven components:

1. **Political commitment** – enhancing political will to prevent, combat and eradicate the illegal trade and exploitation of wild fauna and flora, and to recognise it as a serious crime.
2. **Governance** – promoting inclusive governance whereby local communities are actively involved in the governance of natural resources. This includes creating enabling environments, whereby local communities take part in decision-making on conservation and benefit from its sustainable use.
3. **Enforcement and compliance** – strengthening the ability of law enforcement and judicial systems to combat illegal wildlife trade across source, transit and destination countries.
4. **Capacity and development** – enhancing the capacities of existing African institutions and local communities to combat the illegal wildlife trade. This includes training for local communities on best conservation practices, sustainable use of wildlife resources and their role in combating the illegal wildlife trade.
5. **Awareness and advocacy** – developing programmes that target governments, policymakers, local communities, the private sector and civil society.
6. **Knowledge information and technology** – promoting the use of technology in combating the illegal wildlife trade. This includes developing databases and monitoring systems on the illegal trade, enhancing access to information, and promoting the use of forensic technology.

7. **Regional and international cooperation** – enhancing cooperation, collaboration and coordination at various levels among source, transit and destination countries. This includes establishing regional law enforcement networks and the harmonising legislation at regional and sub-regional levels.

From the seven core pillars, a plan was developed to implement the strategy.²⁸ In the spirit of collaboration, the strategy identified partners to help implement the various objectives.

Table 1: Implementation partners and their roles

Partners	Roles
African Union Assembly	Provides political support and directs the common positions of Africa in illegal wildlife trade
Member states	Draw from this strategy the necessary elements to allow them to develop and implement their own national strategies
African Union Commission	Provides a coordination mechanism to implement the strategy at continental level
African Ministerial Conference on the Environment	Promotes the strategy and provides guidance on implementing the strategy
Development partners (African Development Bank, regional development banks)	Provide technical and financial resources
Regional Economic Communities	Integrate the strategy into their regional development plans
Intergovernmental organisations²⁹	Provide coordinated support to national wildlife law enforcement agencies, and regional and sub-regional networks
Civil society organisations	Provide information, advocacy and awareness, research and other resources needed to implement national and regional strategies
United Nations System and Global Conventions³⁰	Provide technical support to implement components of the strategy and integrate its objectives into their programmes, and report on the impact of these actions

Achievements

Since the strategy's adoption and endorsement by the AU heads of state, there has been some progress with regards to its implementation. A group of experts was established to guide the implementation of the AU Wildlife Strategy, which held its first sitting in September 2017.

Since then, the group has held two further meetings. Discussions on the development of a monitoring and reporting tool for the strategy, which was presented to the group in 2018 for adoption. As part of the implementation of the strategy, in February 2019 the AU Commission and its partners organised a high-level event on Corruption and the illicit Exploitation of Africa's Natural Resources: Fisheries, Forests and Wildlife.³¹

Challenges

One of its strengths was that the process behind the continental strategy's formulation was consultative, participatory and inclusive. However, this was also

one of its biggest challenges, as to implement such a strategy requires strong institutional arrangements and adequate resources, which are often lacking at the continental level.

The process behind the continental strategy's formulation was consultative, participatory and inclusive

That the strategy does not provide a specific and actionable plan with clear targets presents a challenge for its implementation. While it is understood that referring to specific species – such as pangolins – might raise difficulties, since each country's dynamics is different, the lack of specificity leaves the strategy open to interpretation, which may result in confusion when implementing it.

Although the continental strategy was adopted in 2014, there has been little progress on its implementation. The monitoring and reporting tool has not been finalised nor have focal points been identified.

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Regional strategy – Southern African Development Community

In response to the growing threat the illegal wildlife trade in Southern Africa poses to the region, the ministers of environment and natural resources of the region approved the SADC Law Enforcement and Anti-poaching (LEAP) Strategy.³² Developed at a regional consultative workshop held in Johannesburg in October 2014, the document was a product of a collaborative process involving SADC member states and stakeholders. The strategy is set to operate from 2016 to 2021.

The LEAP Strategy is founded on previous policy frameworks for wildlife conservation such as the SADC Treaty, SADC Protocol on Wildlife Conservation and Law Enforcement, SADC Protocol on Fisheries and Forestry and SADC Regional Indicative Strategic Development Plan.

The objective of the strategy is to provide a framework for countries to collaborate at regional level, while also engaging with the international community on wildlife-related law enforcement and anti-poaching issues.³³ The aim is to significantly reduce the levels of poaching and the illegal trade in flora and fauna in the region and enhance law enforcement capacity by the year 2021. To this end, five strategic pillars have been put in place:

1. Enhancement of legislation and judicial processes.
2. Minimisation of wildlife crime and illegal trade.
3. Integration of people and nature into conservation and development processes.
4. Sustainable trade and use of natural resources.

5. Improvement and strengthening of field protection of wildlife resources.

To effectively implement the LEAP Strategy in line with the above objectives, the ministers approved the establishment of the Regional Wildlife Crime Prevention and Coordination Unit, supported by national wildlife crime prevention task forces, which comprise police, wildlife, customs, defence, immigration, intelligence and judiciary officials in each member state.

Furthermore, ministers approved a plan of action that comprised objectives, targets, actions and indicators that states could use to measure their progress in implementing the strategy. Some of the deliverables included integrating the LEAP Strategy into states' national plans, mobilising resources to implement work plans, and compiling reports on the implementation status of LEAP Strategy activities.

According to the strategy, all these activities would be undertaken with the coordination and support of the SADC Secretariat, whereby responsibility is shared by the directorates of the Organ on Politics, Defence and Security and the Food, Agriculture and Natural Resources.

Achievements

Since its inception in 2016, the SADC Secretariat has achieved notable milestones. To this end, it has:

- Established a joint committee of ministers of environment and natural resources, the Organ on Politics, Defence and Security Cooperation to oversee and monitor implementation of LEAP strategy.
- Developed and strengthened an information exchange mechanism among member states in the form of workshops to train law enforcement agencies in the use of the Trade in Wildlife Information eXchange (TWIX) system.³⁴
- Convened the first meeting between SADC and international cooperating partners (ICPs) on 15 June 2018 to explore how they could support LEAP implementation.
- Begun to develop a standard reporting template for reporting progress on implementation of the Protocol on Wildlife and LEAP Strategy.
- Recruited a LEAP adviser to support the implementation of the strategy.³⁵

Challenges

The implementation of the LEAP Strategy is at an advanced stage, but is not without challenges. One of the main limitations the SADC Secretariat and member states have faced is funding, which is reflected in the strategy: 'direct government funding within the SADC to combat poaching and the illegal trade in wildlife is limited'.³⁶ Although the Secretariat has received funding from the ICPs, the question remains how to distribute resources among SADC states.

There is little doubt that the success of the LEAP Strategy depends on the cooperation of all stakeholders – including government and non-state actors – and information sharing. Depending on the funds and resources available and/or donor priorities, member states face the challenge of which policies to implement: international, AU strategy, regional or national. The choice between policy frameworks will be determined by each country's context.

The regional strategy includes protected species, but is predominantly focused on more 'familiar' animals

Besides the implementation challenges, the strategy also contains a limitation when it comes to protected species, specifically pangolins. The regional strategy includes protected species, but is predominantly focused on more 'familiar' animals such as rhinos and elephants. This finds its roots in the SADC conservation model of sustainable use, which can be applied more to elephants and rhinos rather than to pangolins. Subsequently, it is very likely that efforts geared towards protecting elephants and rhinos will be prioritised over the lesser-known ones such as the pangolins.

National strategy – South Africa

Before 2009, environmental crimes received limited attention. They were perceived purely as a conservation issue³⁷ and treated as such by law enforcement agencies.

For instance, environmental crime investigations fell under the Department of Environmental Affairs (DEA), South African National Parks (SANParks) and

provincial conservation authorities. The Directorate for Priority Crime Investigation (DPCI) was responsible for investigating transnational organised criminal networks involved in wildlife crimes. Transnational criminal groups capitalised on the lack of collaboration between the various agencies and departments to make as much profit as they could from South Africa's wildlife resources.

Before 2009, environmental crimes received limited attention. They were perceived purely as a conservation issue

The escalation in rhino poaching from 2009 called for greater collaboration among stakeholders to combat the threat. The Integrated Strategic Management of Rhinoceros approach adopted by the South African Cabinet in 2014 was the first collaborative initiative involving the DEA and the Justice, Crime Prevention and Security (JCPS) cluster departments and agencies.³⁸

Recognising the benefits of a multi-sectoral approach in dealing with transnational wildlife crimes, the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) was developed based on three primary objectives:

- To improve law enforcement, supported by the whole of government and society, to effectively combat wildlife trafficking as a form of transnational organised crime.
- To increase the government's ability to detect, prevent and combat wildlife trafficking in South Africa and beyond.
- To increase national, regional and international law enforcement collaboration and cooperation on combating wildlife trafficking.³⁹

Achievements

The departments involved in the NISCWT are waiting for the Cabinet to approve the national strategy.⁴⁰ Once this happens, more resources will be provided to the various departments to enable the implementation process. Various departments have, nonetheless, been implementing aspects of the strategy within their work.⁴¹

Challenges

The NISCWT is one of the most forward-thinking national strategies in the region especially in terms of inter-departmental and inter-governmental collaboration. However, including various governmental departments in a strategy means that each department needs to sign the document before it can be implemented.

A limitation of the national strategy relates to the species it prioritises – namely, rhinos, elephants, abalone and cycads. Although pangolins and exotic birds are mentioned as important species, the focus has been predominantly on the more familiar species.

It is important to note that with regards to wildlife legislation at national and provincial levels, South Africa has the most progressive legislation on protecting pangolins.⁴² However, during the course of this research, it became evident that some provincial legislations were outdated. Furthermore, the prioritisation of certain protected species over others –reminiscent of the SADC strategy and NISCWT – was also noticeable. Encouragingly, the government is working to address these issues. For example, Gauteng and North West provinces that have sent out their new conservation bills for public comments.⁴³

At national and provincial levels, South Africa has the most progressive legislation on protecting pangolins

The above section examines various strategies that aim to address pangolin trafficking. While it elaborates on the achievements of each policy, it also points out their limitations – not to apportion blame to any stakeholder, but rather to understand what aspects of the various strategies need strengthening to achieve the goal of combating pangolin trafficking. It is with this in mind that the following section provides recommendations for stakeholders.

Recommendations

It is evident that the South African government recognises the need for practical measures to combat wildlife trafficking. While the government

has developed a national strategy in line with the regional strategy, implementation has been inhibited by lack of awareness, capacity and resource constraints. Participants in the research reiterated the need for greater efforts from all stakeholders to combat the poaching of and illegal trade in pangolins in the country.

Most study participants said lack of awareness was a major obstacle in combating the threat to pangolins

While most study participants said lack of awareness was a major obstacle in combating the threat to pangolins, it is worth mentioning that organisations such as the African Pangolin Working Group (APWG) and the Endangered Wildlife Trust (EWT) are actively engaged in promoting awareness about the animals.⁴⁴ This is achieved through campaigns, posters, and the training of prosecutors, judges, law enforcement and customs officials.

In addition to the NISCWT, it was also suggested that a strategy aimed specifically at pangolins should be designed. It would follow the inter-departmental approach of the Integrated Strategic Management of Rhinoceros approach but would include civil society organisations (CSOs) and the private sector in its conception.

The only official document that currently focuses only on pangolins is a standard operating procedure (SOP) for pangolins rescued from the illegal wildlife trade in South Africa, which the government is in the process of reviewing. The proposed strategy will build on the SOP and apply to the various departments involved in combating pangolin trafficking.

The following recommendations aim to provide more specific suggestions on how to address the issues raised above and target specific stakeholders.

African Union

- *Accelerate the appointment of the national focal points and finalise the monitoring and reporting tool* – Once the tool has been finalised and approved, it will be necessary to recruit an individual to conduct

the monitoring and evaluation, and to develop clear targets, deliverables and timelines. These could then be grouped under short-, medium- and long-term targets for the AU to achieve its goal of implementing the strategy.

- *Assist Regional Economic Communities in contextualising the AU Strategy and incorporating it into their regional policies and strategies* – The AU Strategy has to be aligned to each region's specific objectives; for instance, the notion of sustainable use in SADC or combating the trade in ivory in East Africa. This will allow the AU to consider the dynamics in individual regions rather than adopting a one-size-fits-all approach.

Southern African Development Community

- *Assist SADC countries with the implementation of the LEAP Strategy* – In addition to funding and capacity-building, assistance could take the form of designing and contextualising wildlife legislations and strategies within the SADC wildlife management framework.
- *Finalise and adopt a standard reporting template for reporting progress on the implementation of the Protocol on Wildlife and LEAP Strategy* – The LEAP Strategy concludes in 2021. The Secretariat should urge member states to submit their reports on a yearly basis so that findings can be presented at the meeting of ministers and at the next SADC Summit.
- *Pay attention to other endangered species* – This includes pangolins, which may not be perceived as 'profitable' within the traditional context of sustainable use whenever programmes or workshop on wildlife trafficking are developed.

South African policymakers

- *Accelerate the process of approving and adopting the NISCWT* – Once the strategy has been approved, it will enable the various departments to obtain the resources they need to implement the strategy.⁴⁵
- *Review outdated provincial legislations* – This is with a view to harmonising all provincial conservation legislations with the NEMBA Act of 2010 (with 2013 revisions). As mentioned in the previous section, it is evident that there has been progress in this regard.

Department of Environmental Affairs

- *Promote awareness about pangolins through media campaigns, programmes and workshops* – Educating children about pangolins is an innovative approach to create awareness in communities. The DEA could partner with the Department of Basic Education (DBE) to include a section on pangolins in the school curriculum. Presently, the Grade 11 Life Sciences curriculum section on Loss of Biodiversity includes a short section on rhinos.⁴⁶ Pangolins could be added to this section.
- *Provide regular training and capacity-building for members of the DEA* – This should include recent occurrences in the field of environmental crimes, such as current threats, types of crime and new ways of operating used by various syndicates.
- *Develop a biodiversity management plan (BMP) specifically aimed at pangolins* – BMPs ensure the long-term survival in the wild of indigenous species through the 'management of indigenous species and groupings of indigenous species that are adversely affected by similar threats'.⁴⁷ A BMP can be developed by any person or organ of state that wishes to contribute to managing biodiversity in South Africa and achieving the objectives of the Biodiversity Act. But it is essential for this to be undertaken as a collaborative effort by the DEA, CSOs and the private sector. Examples are the BMPs for the black rhino⁴⁸ and Albany cycad.⁴⁹
- *Establish and/or strengthen existing partnerships with CSOs* – This should include regular meetings and briefings, and discussions on current DEA initiatives.

Judiciary

- *Provide annual awareness training (refresher courses) to members of the judiciary, such as judges and prosecutors* – Training would cover new developments in wildlife crimes and specifically on endangered species such as pangolins, as most attention is focused on larger species.
- *Develop an investigation and prosecution manual that deals specifically with wildlife crime* – Similarly to the one adopted by Botswana and most recently Zimbabwe.⁵⁰ The guide would consist of sample charges that prosecutors could apply to wildlife crime suspects and provide details on applicable laws.

The guide could also support magistrates and judges adjudicate in cases and decide on the most appropriate sentences.

- *Build the capacity of members of the National Prosecuting Authority to deal with environmental crimes* – Designate a group of prosecutors who would deal specifically with such crimes, while taking into consideration the lack of capacity within the department. This would enable resources to be dedicated to capacity-building and training without the risk that the prosecutors would not use the knowledge they had acquired if they moved to other departments.
- *Review bail procedures for suspects in wildlife crime cases* – The majority of foreign nationals arrested tend to flee the country during their bail period.⁵¹ One approach would be to amend the Criminal Procedure Act of 1977 to move wildlife crime offences to the Schedule 5 and 6 offence categories. In so doing, the burden of proof would rest on the accused rather than on the state to establish that release from custody was in the interests of justice.⁵²

Law enforcement agencies

- *Build the capacity of the DPCI Wildlife Trafficking Unit with specialised training, equipment and resources* – If necessary, this could be done in consultation with the National Commissioner of the South African Police Service (SAPS), as noted in Section 17DB(b) of the South African Police Service Act 68 of 1995.⁵³ Specialised training could take the form of courses on nature conservation that specifically target pangolins and would be provided by NGOs and research institutions.
- *Establish a coordinating mechanism to enable a joint response to wildlife crime* – The mechanism would include all interested law enforcement agencies, such as the police, customs, immigration and the SA Revenue Service. It could take the form of a joint coordinating committee chaired by the DPCI Wildlife Trafficking Unit, which has primary responsibility when it comes to wildlife trafficking. This in turn would serve as a platform where the various heads of law enforcement agencies could meet regularly to discuss current challenges and initiatives, delegate responsibilities and hold each other accountable.

- *Awareness-raising and training to police and specifically first respondents at the crime scene* – Civil society organisations dealing with pangolins could provide such trainings. The courses could cover legislation, regulations and issues surrounding the effective policing of pangolin trafficking. For first responders, this would promote informed decision-making when opening cases.
- *Community initiatives led by the police* – In the areas where the incidence of pangolin trafficking is high, part of the policing approach could be to raise awareness in community centres, schools and churches. The police would primarily lead the process, with the assistance of CSOs and NGOs working on wildlife crimes.

Civil society organisations

- *Find innovative ways to promote pangolin awareness and advocacy programmes* – For instance, a recent documentary on the plight of African pangolins by Pangolin Africa provides a good approach to creating awareness.⁵⁴ The Blood Lions Campaign, which raises awareness about captive lion breeding through various media platforms – including social media, radio, television and in public places – is a good example of how to use awareness and advocacy programmes.⁵⁵ As mentioned above, CSOs could partner with government departments such as the DEA and DBE to develop school curriculums that provide information on pangolins and the dangers they face.
- *Form partnerships with the DEA and law enforcement agencies* – This would help organisations understand the difficulties and challenges law enforcement agencies face in dealing with wildlife crimes – especially in relation to pangolins – with a view to providing support where required.
- *Collaboration among civil society organisations* – Taking into consideration donor funding and restrictions, organisations dealing with wildlife crimes could partner with each other to provide support where required; for instance, in designing advocacy campaigns and programmes and collaborating on certain research projects, as in the case of Ban Animal Trading and the EMS Foundation. This would also help break down barriers and the perception that some organisations are ‘overstepping’ their mandates.

Conclusion

This policy brief has attempted to examine and evaluate the main strategies that address pangolin trafficking in Africa, focusing on South Africa. It finds that while these strategies are commendable, there is still more to be done especially in terms of implementation.

A particular limitation identified is that the SADC and South African strategies prioritise some species over others. Despite their limitations, these strategies provide a good foundation for the development of greater inter-agency collaboration. This is exemplified in the NISCWT, where the SAPS and other government departments and non-government entities are engaged in its implementation.

Pangolin trafficking is not simply an environmental management problem – it is a transnational organised crime

There is little doubt that a collective effort from all stakeholders is required to overcome the challenge of pangolin trafficking in Africa... It is also clear that there is willingness among the various key role players to address the problem. As the policy brief has highlighted, faced with capacity and resource constraints, the challenge is in translating willingness into action.

The main conclusion is that the pangolin trafficking needs to be treated differently. Pangolin trafficking is not simply an environmental management problem –

it is a transnational organised crime that has an impact on national and regional security. Each pangolin that is trafficked across a border compromises the integrity of law enforcement and border agencies. Organised criminals exploit these weaknesses. And being able to traffic illegal wildlife product across the border will no doubt motivate criminal groups to deal in other illegal products such as arms and drugs. In so doing, they undermine the country's security and reduce the state's ability to protect its citizens.

Meanwhile, from the point of view of organised criminal networks, the extinction of pangolins would only mean one less commodity to profit from. As noted earlier, the scarcity of pangolins in Asia has driven criminal networks to target Western and Central Africa. This trend indicates that once pangolins become scarce elsewhere on the continent, Southern Africa will be the next target – if it is not already.⁵⁶

once pangolins become scarce elsewhere on the continent, Southern Africa will be the next target

For this reason, the region must be more active in its response to pangolin trafficking. The challenge of rhino poaching that South Africa faced in 2014 serves as an example of why reactive measures tend to fail in curbing the poaching and trafficking of wildlife. The country continues to experience regular occurrences of rhino poaching.

Developing a strategy at the height of a crisis does little to eliminate the crisis – it can only mitigate the impact. Instead, as one research participant put it, 'we should nip it in the bud' before the crisis escalates.⁵⁷ This can only be achieved through proactive measures and a collaborative effort from all stakeholders. Otherwise, pangolins could become extinct sooner than predicted.

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About ENACT

ENACT builds knowledge and skills to enhance Africa's response to transnational organised crime. ENACT analyses how organised crime affects stability, governance, the rule of law and development in Africa, and works to mitigate its impact. ENACT is implemented by the ISS and INTERPOL, in affiliation with the Global Initiative Against Transnational Organized Crime.

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