

Putting Namibia's Wildlife Crime Penalties in Perspective

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• ELIZE SHAKELELA

IN THE NAMIBIAN newspaper of 13 September 2017, under the heading 'N\$25m per person killed by wildlife', a participant in one of the consultative meetings held in the Zambezi region by the National Council standing committee on habitat criticised the Ministry of Environment and Tourism for placing more value on an animal's life than on a human's life.

The participant in all probability referred to one of the new penalty amendments to the Nature Conservation Ordinance 4 of 1975 when he made his statement.

The new penalty sets an increase for the illegal hunting (poaching) of specially protected game (elephant and or rhino) from a previous maximum fine of N\$200 000 to a current maximum of N\$25 million. The potential imprisonment which can be imposed along with a fine now stands at a maximum of 25 years.

On 27 September 2017 the penalties for illegal possession and dealing of wildlife products under the Controlled Wildlife Products and Trade Act 9 of 2008 were also amended.

These latter amendments apply to wildlife products listed under Schedule 1 of the 2008 act. These products include ivory and rhino horn.

The penalty for illegal possession of wildlife products as contemplated under the act, has increased from a previous maximum fine of N\$20 000 to a current maximum of N\$15 million which could go together with a maximum imprisonment sentence of 15 years.

The fine for illegally dealing with wildlife products increased from a previous maximum fine of N\$200 000 to a current maximum fine of N\$25 million and the potential imprisonment of 25 years, which can be imposed with the maximum fine. As is the case with illegal possession, the new fines imposed on illegal dealing apply to wildlife products listed under Schedule 1 of the 2008 act.

The loss of human life as a result of human-wildlife conflict, is without saying, a tragic event.

However, it would be incorrect to conclude that more value is being put on an animal's life than on a human's life without bearing in mind the circumstances that compelled the authorities to increase the penalties for illegal hunting, illegal possession and illegal dealing in specially protected game species and their products.

In recent years, the poaching of particularly elephants and rhinos has been on the increase throughout Namibia. The ministry reported in July this year that a total of 241 rhinos and 245 elephants have been poached in Namibia since 2014.

Given the increase in poaching of some of Namibia's most iconic species and the overall value that these species add to the Namibian tourism and rural economies, it becomes clear why the authorities felt duty-bound to increase the penalties for illegal hunting, illegal possession and illegal dealing in specially protected game species and their products.

To give an example, in 2014, Uukwaluudhi Conservancy lost three black rhinos as a result of poaching. In an effort to protect the remaining black rhino population in the Uukwaluudhi Conservancy, the ministry took a decision to relocate the remaining rhinos to other parts of the country.

After the poaching incidents, Uukwaluudhi Conservancy experienced a decline in income.

Accordingly, the Uukwaluudhi Conservancy example affirms the important economic role iconic wildlife species such as rhino and elephant play in conservancies.

The increase in wildlife crimes is not just a Namibian problem, but a global one. Wildlife crime ranks with drugs, arms and human trafficking in terms of profitability.

The World Wildlife Fund reports that a mere 4 800 black rhino and 20 000 white rhino remain in Africa. Over the last few years, wild rhinos have been wiped out in Mozambique as a result of poaching.

International crime syndicate networks drive the demand for illegal wildlife products destined mainly for the East Asian market.

Various sources report that per kilo, the retail value for rhino horn and ivory can be equal to or greater than the price of an equivalent amount of cocaine or heroin, yet the legal penalties for poaching were up to now considerably more lenient

than the punishment for dealing in illicit drugs.

In developing countries such as Namibia, wildlife crime deprives local communities of much needed revenue sources and has negative impacts on the environment, security and the rule of law, while little of the profit goes into the domestic economy. Thus, poaching is not only a wildlife crime, it is also an economic crime.

While some people have been vocal about the steep increase in penalties, arguing that they will only punish the already poor people in our communities, it should be kept in mind that the recent amendments merely have set maximum penalties.

Depending on the circumstances of a given case, a magistrate and or a judge would still have a discretion to impose a penalty that fits the crime.

Unquestionably, there is a need to ensure that the successes of wildlife conservation are sustained and that local communities receive appropriate benefits as a result of losses associated with human-wildlife conflict. After all, the successes of Namibia's Community Based Natural Resource Management Programme were built on the fact that many of Namibia's communities have been living with and tolerated the existence of wildlife in their surroundings.

Being conscious of this fact, the ministry recently introduced the human-wildlife conflict policy in pursuit of compensating communities for the loss of human life and human property, of course bearing in mind that monetary compensation for loss of life is not the value government places on human life as money cannot compensate for loss of life.

In addition, the ministry's commitment in dealing with human-wildlife conflict also features in the protected areas and wildlife management bill that will in due course replace the outdated Nature Conservation Ordinance 4 of 1975.

** Elize Shakelela is an environmental law consultant at the Legal Assistance Centre.*