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The Rhino Files: Punishing offenders

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by [Helge Denker](#)



CONSERVATION RECOGNITION ... The status of Namibia's black rhinos has been revised from 'vulnerable' to 'near threatened' (i.e. less vulnerable to extinction) by the International Union for Conservation of Nature. Photo: Helge Denker

The Rhino Files are periodic articles exploring the complexity of rhino conservation in Namibia.

WHEN a rhino is poached, outraged environmentalists often call for the most severe measures of punishment, such as shooting the poachers on sight.

Shooting poachers dead doesn't stop poaching. The poachers – usually rural Namibians with bush skills – are at the lowest rung on the criminal ladder. They can be quickly replaced by others trying to make some cash.

Understanding poachers and thus being able to catch and convict them – often before they can even kill a rhino – is a more constructive approach.

During the first half of 2020, 88 suspects were arrested on charges related to rhinos, with 30% of these arrested for conspiring to poach before they could kill a rhino. The arrests have not just included poachers, but a large number of middlemen, dealers and abettors – and several high-level kingpins.

This has disrupted established traffic routes, has brought other middlemen into the open and led to more arrests.

Such cascading clean-ups of criminal networks are only possible through determined, in-depth investigations – rather than shooting poachers dead.

But what is an appropriate penalty for poaching or conspiring to poach a rhino? In a court ruling at Okahandja in May 2020, six perpetrators were convicted in two separate cases of conspiring to poach rhinos. What should be the criteria for deciding suitable sentences?

Three main aspects are usually considered during sentencing: the seriousness of the crime, the circumstances of the perpetrator and the interests of society (known as 'public interest'). Each has its own complexity.

The prosecution presented insights into this complexity to the magistrate. The cases were well-prepared and all suspects pleaded guilty.

Namibian law stipulates that the intent to poach and actual poaching are treated with equal seriousness – which is apparent in the magistrate's ruling. The main perpetrator in the first case received a fine of N\$58 000 or eight years in prison for conspiring to poach rhino, with a part of the sentence conditionally suspended for five years.

The main perpetrator in the second case had aimed a rifle at security personnel during the arrest. He thus received a more severe overall sentence of N\$80 000 or 11,5 years, again with part of the sentence conditionally suspended for five years.

The message to criminals is clear – the chances are high that perpetrators will be caught even before they kill a rhino. When they are caught, they will not be let off lightly.

It is true that the maximum penalties related to rhino poaching inscribed in the revised legislation of 2017 are N\$25 million and 25 years in prison. This is a clear recognition of the seriousness of the crime.

Yet when considering the circumstances of perpetrators, it must be remembered that poachers are mostly rural Namibians attempting to escape poverty – who carry the highest risk for the least rewards.

It is the international kingpins and the traffickers at end markets in Asia who make the big money – and drive wildlife crime in Namibia by recruiting local poachers and abettors. Last year, four Chinese nationals were each sentenced to 20 years in prison for attempting to smuggle rhino horns out of the country. They had been arrested in 2014. The sentence in the drawn-out case was increased to 20 years after an unsuccessful appeal.

Sentencing is the final measure of the effectiveness of law enforcement.

The current results in Namibia show the commitment of all agencies to fight wildlife crime.

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