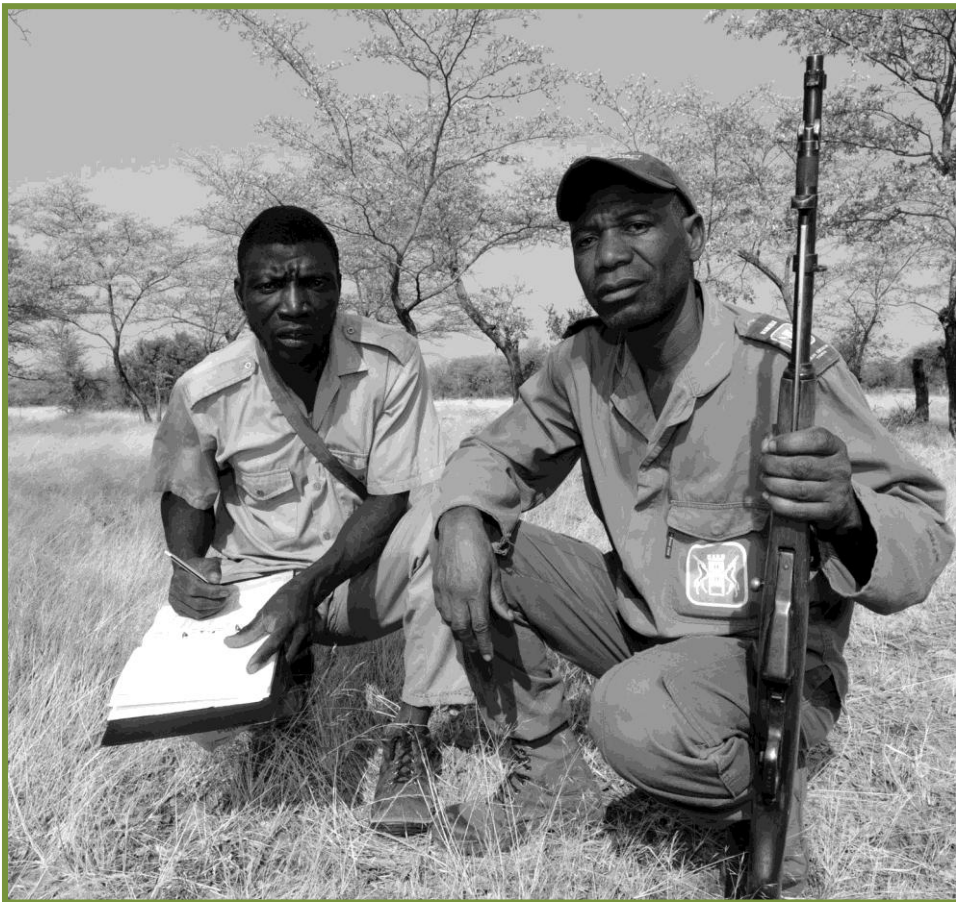


# NATURAL RESOURCE MANAGEMENT TRAINING

## Module 3.9: LAW ENFORCEMENT



## ACKNOWLEDGEMENTS

The materials used to develop this training module were developed and compiled by a number of individuals and organisations over the past 15 years as part of the Namibian CBNRM Programme. Acknowledgement is thus given to all contributing NACSO members, NACSO's international development support partners, and the individual and collective experiences of the NACSO members and partners who made the production of this module possible. The further development of the training material has been made possible with support from MCA Namibia.



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## GENERAL TRAINING TIPS

### Preparation:

- Prepare each session in advance and ensure all necessary materials and visual aids are available (use visual aids wherever possible to enhance your training).
- Be aware of local customs – remember to open and close the training day with a prayer and give due recognition to any traditional leaders present.
- Provide translation services where necessary (this will need to be arranged in advance – it may not be appropriate to ask a participant to translate).

### General training and presentation guidelines:

- Use good time management to ensure every aspect of your training is completed – but take into account the possible need for translation and be prepared to slow down if necessary to ensure that all participants understand.
- Maintain good eye contact with participants.
- Speak clearly.
- Keep your training language simple and appropriate to your audience.
- Bridge one topic to the next.
- Provide clear instructions for activities and check to see if your instructions are understood.
- Where appropriate, summarise each component of the module.
- Avoid reading from this trainer's manual.

### Visual presentation:

- Write clearly and boldly if using flipchart sheets.
- Keep your visual aids clear – avoid blocking participants' view of visual aids.

### Involving the participants:

- Encourage questions and participation.
- Ask questions to get participants thinking about the topic and key issues.
- Keep the group focused on the task, but take breaks if participants are tired and losing concentration – be aware of body language.
- Be patient and courteous with all participants.
- Talk to your participants and not to the flipchart.
- Acknowledge the comments and feedback from participants.



**NB:** Where we wish to indicate that text in this module refers to an activity that training participants are expected to undertake, we have employed this little icon.



## ABOUT MODULE 3.9: LAW ENFORCEMENT

<b>OBJECTIVES:</b> People who receive training in MODULE 3.9 will gain knowledge on:	<ol style="list-style-type: none"> <li>1. Laws regarding conservancies and wildlife</li> <li>2. Legal authority and responsibilities of conservancies</li> <li>3. Crime scene procedures for suspected poaching incidents</li> </ol>
<b>COMPETENCIES:</b> People who receive training in MODULE 3.9 will be able to:	<ol style="list-style-type: none"> <li>1. Explain relevant legislation, authority and responsibilities of the Conservancy Committee and Community Game Guards</li> <li>2. Describe their authority and responsibilities under the law (Conservancy Committee and CCGs)</li> <li>3. Use the reporting procedures for suspected poaching incidents</li> </ol>
<b>MODULE 3.9 is intended for:</b>	Conservancy Committee, Conservancy Manager and Community Game Guards
<b>Duration of MODULE 3.9:</b>	The training for this Module will usually last 1 day

**To train this MODULE 3.9 you will need to have (enough for everyone):**

	Check
Flipchart stand, sheets and different coloured marker pens ("kokies")	✓
Module 3.9 Handouts #1 – #7	
Prepared Flipchart Sheets #1 and #2 if you prefer to use them (can be laminated for duplicate use)	
Paper and pens for participants	

<i>References/other resources:</i>	
Copies of all the relevant Acts and other regulations covered in this training (see page 20 in this Manual for full lists of documents that should be provided for the conservancy to keep, and documents that are for reference only)	

**The training of this MODULE 3.9 will generally follow this schedule:**

<b>TOPIC 1:</b>	Laws regarding conservancies and wildlife
<b>TOPIC 2:</b>	Legal authority and responsibilities of conservancies
<b>TOPIC 3:</b>	Crime scene procedures for suspected poaching incidents
<b>SELF-ASSESSMENT:</b>	Assessing participants' understanding of this Module (Handout #7)



## KEYWORDS and ACRONYMS for this MODULE

<b>CC</b>	Conservancy Committee
<b>CFs</b>	Community forests
<b>CGGs</b>	Conservancy Game Guards
<b>CLBs</b>	Communal Land Boards
<b>CLRA</b>	<i>Communal Land Reform Act, No. 5 of 2002</i>
<b>CPA</b>	<i>Criminal Procedure Act, No. 51 of 1977</i>
<b>EMA</b>	<i>Environmental Management Act, No. 7 of 2007</i>
<b>GMUP</b>	Game Management and Utilisation Plan
<b>MAWF</b>	Ministry of Agriculture, Water and Forestry
<b>MET</b>	Ministry of Environment and Tourism, Namibia
<b>NRM</b>	Natural resource management
<b>TAs</b>	Traditional authorities

### NOTE TO TRAINERS/FACILITATORS: HOW TO USE THIS TRAINER'S MANUAL

The information in this Manual is often very factual and, importantly, must be relayed correctly as much of it deals with legal matters. The content of each topic therefore needs to be understood by participants in an unambiguous manner before the trainer moves onto the next topic.

Some workshop participants may have already attended a training in this series on 'Policy and Legislation' (Module 1.7), or may have had the opportunity to develop relevant skills at a similar training (either through the support of an NGO or in another capacity). If you identify any participants at a workshop who have attended such a training, then you may wish to ask them if they are willing to share their knowledge, skills and experiences with the other trainees at appropriate moments during various topics.

Topic 2, which comprises the bulk of this training, has been divided into two 'sessions', with amounts of time allocated to each. These time frames are a guide only, and trainers/facilitators might need to adapt them as they deliver the Module.



## INTRODUCTION

**EXPLAIN:** The purpose of this training is to prepare you to **comply with the key laws related to conservancy operations** and to **understand and perform your appropriate role in law enforcement**.

- 1 **LIST:** The **objectives** of Module 3.9 by writing them on a flipchart sheet. To save time you may prefer to have Flipchart Sheet #1 prepared in advance (or even laminate this one and the next for duplicate use). Explain the objectives to the participants:

Participants attending this training will gain knowledge on:

1. Laws regarding conservancies and wildlife
2. Legal authority and responsibilities of conservancies
3. Crime scene procedures for suspected poaching incidents


- 2 **LIST:** The **competencies** of Module 3.9 by writing them on a flipchart sheet. To save time you may prefer to have Flipchart Sheet #2 prepared in advance. Explain the competencies to participants:

People who receive training in Module 3.9 will be able to:

1. Explain relevant legislation, authority and responsibilities of the Conservancy Committee (CC) and Community Game Guards (CGGs)
2. Describe their authority and responsibilities under the law (CC and CGGs)
3. Use the reporting procedures for suspected poaching incidents

**NOTE:** If participants are unfamiliar with issues of law enforcement, you may wish to start the training by explaining the basics of law enforcement, and why it is important in the conservancy context.

**ASK:** How do you understand the difference between 'enforcing the law' and 'complying with the law'?

- 3  Ask pairs to consider this question, and then each pair should present a quick definition for either term while the other pairs listen. Write the first few pairs' suggestions on a flipchart sheet, under the title 'Enforcing the law' or 'Complying with the law' (as appropriate) and then ask other remaining pairs to add their contributions (add these to flipchart sheet).

**EXPLAIN:** The basic difference between these two concepts is that in enforcing the law you are making sure that others follow the law; when complying with the law you are making sure that you, yourselves, are following the law.



## TOPIC 1: Laws regarding conservancies and wildlife

**1** **EXPLAIN:** Different types of laws are known as Acts, such as the *Nature Conservation Amendment Act*, or the *Criminal Procedure Act*. Some Acts made possible the creation of conservancies and gave them conditional powers. Other Acts control some of the activities that a conservancy might want to undertake, such as building a tourist lodge or stopping poaching.

**ASK: What are some of the major Acts or laws which the conservancy must know about?**

**2** **ASK:** Ask pairs to consider this question, and then ask for volunteers to present a quick answer while the other pairs listen. Write the first few pairs' suggestions on the flipchart sheet under the title 'Major Acts our conservancy must know about' and then ask other remaining pairs to add their contributions (add to flipchart sheet).

**DISTRIBUTE:** Handout #1.

**EXPLAIN:** We are now going to go through the list of relevant Acts and look at each briefly, and why it is important to the conservancy. Note that we will not be going into a lot of detail at this stage as the principal pieces of legislation will be covered in the next two topics.

**3** **EXPLAIN:** The ***Nature Conservation Amendment Act*** (No. 5 of 1996) and the ***Amendment of Regulations Relating to Conservation*** of 1996 work together (with the latter giving the finer details) and are sometimes just referred to as the 'Conservancy legislation', as we will often do in the course of this training. These two documents cover:

- The requirements and application procedure to become a conservancy.
- The rights, powers, conditions and responsibilities of conservancies.
- The procedures for the Ministry (MET) to amend conditions or withdraw recognition of conservancies.

**DISTRIBUTE:** Copies of these two documents so that participants can see what they look like and mention to participants where they can locate the most important sections in each document.





**4** **EXPLAIN:** The **Nature Conservation Ordinance** (No. 4 of 1975) is the Act that contains most of the regulations related to wildlife and parks. (It is likely to be updated and replaced by a new Act, proposed currently by the 'Parks and Wildlife Management Bill'.) The content of the Ordinance that is most relevant to conservancies is:

- The definition of game (i.e., what animals the conservancies have rights over).
- Laws relating to hunting and poaching.
- Powers relating to the setting and use of quotas, and reporting requirements.

**DISTRIBUTE:** A copy of this document so that participants can see what it looks like and mention to participants where they can locate the most important sections in this document.

**5** **EXPLAIN:** The content of the **Communal Land Reform Act** (No. 5 of 2002) that is most relevant to conservancies is:

- The requirements and procedures relating to leases and the Game Management and Utilisation Plan.
- The requirement and procedures related to leases for tourism lodges, campsites, etc.
- The laws and powers related to illegal fencing.
- The powers and controls related to grazing management.

**DISTRIBUTE:** A copy of this document so that participants can see what it looks like and mention to participants where they can locate the most important sections in this document.

**6** **EXPLAIN:** The content of the **Environmental Management Act** (No. 7 of 2007) that is most relevant to conservancies is the section that deals with:

- Possible requirements for Environmental Clearance Certificates in the cases of tourism lodges, 4x4 trails, etc.

**DISTRIBUTE:** A copy of this document so that participants can see what it looks like and mention to participants where they can locate the relevant section.



**7** **EXPLAIN:** The content of the **Forest Act** (No. 12 of 2001) that is most relevant to conservancies is:

- The requirements for establishing a Community Forest.
- The rights, powers, conditions and responsibilities of a Community Forest.
- The powers and controls related to the management of grazing in a CF.
- The definition of 'forest products' (i.e., all living organisms) that CFs may manage.

**DISTRIBUTE:** A copy of this document so that participants can see what it looks like and mention to participants where they can locate the most important sections in this document.

**8** **EXPLAIN:** The content of the **Traditional Authorities Act** (No. 25 of 2000) that is most relevant to conservancies is the section that deals with:

- Responsibilities related to the sustainable use of natural resources.

**DISTRIBUTE:** A copy of this document so that participants can see what it looks like and mention to participants where they can locate the relevant section.

**9** **EXPLAIN:** The content of the **Criminal Procedure Act** (No.51 of 1977) that is most relevant to conservancies comprises the sections that deal with:

- Authority related to powers of arrest.
- Authority related to reporting suspected poaching incidents and activities.

**DISTRIBUTE:** A copy of this document so that participants can see what it looks like and mention to participants where they can locate the relevant sections.

**10** **EXPLAIN:** Conservancies' responsibilities in respect of most of the Acts we have just looked at are largely restricted to complying with the relevant laws. It is under the *Criminal Procedure Act* that conservancies have a limited role in actually enforcing laws.

**11** **SUMMARISE/LINK:** In this first topic we have looked briefly at the pieces of legislation that relate to the use of wildlife and other natural resources in the conservancy context. Let's just go back and look at our first objective for this workshop to confirm that we have begun to be 'on track' for this training (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions?



## TOPIC 2: Legal authority and responsibilities of conservancies

**1 EXPLAIN:** Topic 2 is going to highlight the **key authority and key responsibilities from the relevant Acts covered in the Topic 1 that the conservancies must either enforce or comply with**. The training for Topic 2 will consider the legal authority and responsibilities of the conservancy, as represented by the Conservancy Committee (CC), in Session 1. Then in Session 2, we will look at the more specific legal authority and responsibilities of the Community Game Guards (CGGs).

### **2 EXPLAIN:**


- When we speak of **authority** we mean authority, powers and rights under the law.
- When we speak of **responsibilities** we mean responsibilities, requirements, conditions, and obligations under the law.

**NOTE:** Present the following points contained within the two Sessions that follow one by one, asking for confirmation of understanding and answering questions before going on to the next point. Some of the material is quite repetitious; however it is necessary to impress upon participants the general authority and responsibilities of the conservancy (as represented by the CC) and the more specific ones that pertain to the CGGs.

**DISTRIBUTE:** Handouts #2, #3 and #4 and ask participants to refer to the relevant pages as you complete Session 1 and Session 2 of this topic.

**Session 1: Legal authority and responsibilities of the conservancy, as represented by the Conservancy Committee** (*approximately one hour*).

**ASK: What are legal powers given to conservancies over wildlife, land and other natural resources?**

**1**  Ask participants to consider this question, and then ask for volunteers to suggest some answers. Write the first few participants' suggestions on a flipchart sheet under the title '**Conservancy legal powers over natural resources**' and then ask for some more contributions from the remaining participants (add to flipchart sheet).



## 2 **EXPLAIN:** The conservancy, through the Conservancy Committee (CC), has the following authority, powers and rights:

1. Rights with regard to the **consumptive and non-consumptive use and sustainable management of game** (see the 'Conservancy legislation').
  - Note that 'game' is defined in the 'Schedules' of the *Nature Conservation Ordinance* (see Handouts #2, #3 and #4). You can see that 'game' does not include all wildlife.
  - The rights to sustainable management are not defined in any detail, and the MET approves quotas and negotiates the allocation of a quota for trophy hunting, own use, live sales, etc. with the individual conservancies. Also, nowhere is sustainable management defined to include law enforcement powers.
  - The term 'tourism' has not been used in the conservancy legislation, but "non-consumptive use of game" can reasonably be interpreted to include game-viewing tourism. However, there is little clarity in relation to some other forms of tourism (such as cultural or historical tourism), which is why 'tourism' should be more broadly defined in the Parks and Wildlife Management Bill.
  - No authority has been given to conservancies to manage grazing. Authority over grazing comes under the traditional authorities; under customary laws; the *Traditional Authorities Act*; the *Communal Land Reform Act*; and through a TA-approved Management Plan for Community Forests under the *Forest Act*. Therefore, if a conservancy is involved in grazing management, they must have the active involvement and formal approval of the TA, which has the legal mandate and powers to manage and enforce grazing management rules.
2. The right to **enter agreements relating to consumptive and non-consumptive use of game** (see the 'Conservancy legislation').
  - This gives the CC the clear power to enter into partnerships in wildlife utilisation such as joint venture tourism.
3. The right to **enforce hunting laws** (see the *Criminal Procedure Act* and the *Nature Conservation Ordinance*).



**ASK: What legal powers have been given to the conservancy to enforce laws?**



Ask participants to consider this question, and then ask for volunteers to suggest some answers. Write the first few participants' suggestions on a flipchart sheet under the title 'Powers to enforce laws' and then ask for some more contributions from the remaining participants (add to flipchart sheet).

**4 EXPLAIN:**

1. The MET recognizes the CC as representing the conservancy, and as such, the CC is the legal "person in charge of property" (e.g., the conservancy's game). **NOTE:** The MET, under the *Nature Conservation Ordinance*, could appoint some conservancy members (e.g., CGGs) as Honorary Nature Conservators, and give them similar powers as "peace officers" (Sections 78; 80). However, to date, the MET has not done so.
2. Therefore, **no extra powers have been given to any members of the conservancy (neither the CC nor the CGGs) to enforce any laws, even those related to game.** Conservancy members have only the same limited powers as any "private person". **NOTE:** A "private person" may arrest anyone who commits an offence in his/her presence, e.g., not someone seen and reported by someone else, or someone just suspected of committing an offence (*CPA, Section 42*).
3. Unlike a "peace officer", a "private person" has no powers to stop and search someone whom he/she has not seen commit an offence.
4. Private persons may only use reasonable force in making an arrest, and may only use extra force in self-defence (e.g., they may not shoot or hit a person just because they are fleeing arrest).
5. There are risks for private persons making arrests. For instance, if a CGG was injured or killed in trying to make an arrest, the government is in no way liable (i.e., the government does not have to pay to cover medical bills, compensation, funeral costs, etc). In fact, if the CC encouraged the CGG to make arrests, the CC may be liable for the injury or death.
6. If a CGG arrested a person who had not committed an offence (i.e., the CGG did not accurately understand the hunting laws for example), the CGG or the CC could be liable. If the CGG hit or killed a person while arresting him/her, and there was no proper reason for arrest, the CGG could be charged with assault or murder.



## 5 **EXPLAIN:** The conservancy, through the Conservancy Committee (CC), has the following responsibilities, requirements, conditions and obligations:

1. **Compliance with 'Conservancy legislation' conditions.** To qualify for declaration as a conservancy there are many conditions, some of which have ongoing obligations (e.g., following the conservancy constitution; implementing the Game Management and Utilisation Plan; managing conservancy funds). Failure to continue to meet such obligations could result in the conservancy having its authority, powers and rights withdrawn. **NOTE:** the MET is likely to implement an annual monitoring system that will check each year that every registered conservancy is complying with the conditions in the conservancy legislation. The key conditions are:
  - The Conservancy Committee is representative of the community.
  - Sustainable management is being undertaken in accordance with a Game Management and Utilisation Plan (GMUP).
  - The CC has the ability to manage funds and has a method for equitable benefits distribution to members.
  - Following the conservancy constitution approved by the MET with provisions for:
    - a. Meetings of the CC.
    - b. AGMs.
    - c. Recording of meetings.
    - d. Elections and removal of CC members.
  - Keeping of proper accounting records and books, and the preparation of Annual Financial Statements.
2. **Complying with all of the provisions of the conservancy's constitution.**
  - While each conservancy constitution is different, each has been approved by the MET and therefore each conservancy must follow all of the provisions of its own constitution. If a conservancy amends its constitution, it should send a copy of the amendments (with the minutes of the relevant meeting showing that the amendments were made in accordance with the constitution's amendment provisions).
  - The conservancy will have a number of documents or plans, including the GMUP, that have been approved by the membership and hence their implementation needs to be monitored by the CC. In efforts to promote the idea of wildlife stewardship among members, the CC should invest in ensuring that members are fully informed of the GMUP details, including issues surrounding zonation.



- The CC should also ensure that just as the details of wildlife utilisation and its benefits are shared with the membership, so too should the value of the wildlife to the conservancy. A pride in wildlife – and an understanding of the value and the resultant benefits of wildlife as a land-use option – are key ingredients to building members' support against unlawful game utilisation.
3. **Keeping within the conservancy quota** and providing MET with the Game Utilisation Report within the deadline (*Nature Conservation Ordinance*).
  4. **Sending the Wildlife Management and Utilization Plan** (and updates) to the Communal Land Board – in order to ensure that no leases will be approved within the conservancy area that conflict with the GMUP (*Communal Land Reform Act*).
  5. **Applying to the Communal Land Board for leaseholds** if building infrastructure or fences, or occupying land (*Communal Land Reform Act*).
  6. **Applying to MET/DEA for an Environmental Clearance Certificate** if involved in a listed activity (*Environmental Management Act*).

**DISTRIBUTE:** Handout #5 and briefly review the listed activities with participants.

#### 7. **Enforcing hunting laws:**

- While conservancies have been given broad responsibility to sustainably manage game, there is no specific authority or responsibility given to them to conduct law enforcement. Given the CC's limited powers, and the risks, (covered in Step 4 of this Session 1, above), conservancies are advised to support law enforcement through the strategies that will be covered in Topic #3, below.
- Each conservancy will have its own rules that govern wildlife utilisation, and it is critical that the CC monitors these, e.g., ensures that staff members apply the 'ticketing' system and that all off-takes are captured accurately and in a timely manner in the Event Book. While these rules do not appear in the legislation, they are local rules that require compliance and for which the CC needs to take ultimate responsibility.

**ASK: What NRM utilisation rules apply locally at your conservancy? How are these rules shared with the conservancy community?**



In a plenary session, ask participants to consider the questions above and write their suggestions on a flipchart sheet under the title: 'What local NRM utilisation rules apply at our conservancy?' or 'How do we share our local NRM utilisation rules?' accordingly. Discuss together ways of sharing this information with the conservancy community in a more effective manner.



## Session 2: Specific legal authority and responsibilities of the Conservancy Game Guards (*approximately 35 minutes*).

### 1 **EXPLAIN:** The Community Game Guards have the following authority, powers and rights:

1. **Enforcing hunting laws** (*Criminal Procedure Act, Nature Conservation Ordinance*). **NOTE:** The conservancy legislation does not explicitly refer to Conservancy Game Guards, nor any similar persons or institution.
  - The CC, as the legal “person in charge of property” recognized by the MET, could authorise CGGs to arrest persons committing an offence in relation to that property, i.e., game. **However, the CGGs would still only have the powers of a “private person”, not those of a “peace officer” or an Honorary Nature Conservator.**
  - The MET, under the *Nature Conservation Ordinance*, could appoint some conservancy members (e.g., CGGs) as Honorary Nature Conservators, and give them similar powers as “peace officers” (*Sections 78; 80*). However, to date, the MET has not done so.
  - Therefore, no extra powers have been given to any members of the conservancy (neither the CC nor the CGGs) to enforce any laws, even those related to game. Conservancy members have only the same limited powers of any “private person”. **NOTE:** A private person may arrest any person who commits an offence in his/her presence (e.g., not someone seen and reported by someone else, or someone just suspected of committing an offence) (*CPA, Section 42*).
  - Unlike a “peace officer”, a private person has no powers to stop and search someone whom he/she has not seen commit an offence.
  - Private persons may only use reasonable force in making an arrest, and may only use extra force in self-defence (e.g., they may not shoot or hit a person just because they are fleeing arrest).
  - There are risks for private persons making arrests. For instance, if a CGG was injured or killed in trying to make an arrest, the government is in no way liable (i.e., the government does not have to pay to cover medical bills, compensation, funeral costs, etc). In fact, if the CC encouraged the CGG to make arrests, the CC may be liable for the injury or death.
  - If a CGG arrested a person who had not committed an offence (i.e., the CGG did not accurately understand the hunting laws, for example), the CGG or the CC could be liable. If the CGG hit or killed a person while arresting him/her, and there was no proper reason for arrest, the CGG could be charged with assault or murder.






## 2. Implementing local utilisation rules.

- The conservancy is bound by their constitution as well as approved GMUPs, zonation plans etc. CGGs are often required to accompany hunters, and they therefore need to be familiar with local rules governing utilisation. They also play an important role in sharing this information with conservancy community members and should therefore be well-equipped to share information on game values, poaching, incentives for managing wildlife, etc.

**ASK: How do CGGs support compliance with local NRM utilisation rules? How do CGGs inform the conservancy community about wildlife value and utilisation?**

**2**  In a plenary session, ask participants to consider the questions above and write their suggestions on a flipchart sheet under the title: 'How do CGGs support compliance with local NRM utilisation rules?' or 'How do CGGs inform the conservancy community about wildlife value and utilisation?', accordingly. Discuss together ways of promoting stewardship of NRMs amongst conservancy community members in a more effective manner.

## **3 EXPLAIN: The Conservancy Game Guards have the following responsibilities, requirements, conditions and obligations:**

- While conservancies have been given broad responsibility to sustainably manage game, there is no explicit authority or responsibility given to them (or to the CC or the CGGs) to conduct law enforcement. Given the limited powers and risks already discussed at length in Topic 2, conservancies and CGGs are advised to support law enforcement through the strategies that will be covered in Topic #3, below.

**4** **SUMMARISE/LINK:** In this second topic, we have looked in some detail at the authority and responsibilities of conservancies generally, as represented in practice by their CCs, and then more specifically at the authority and responsibilities that pertain to CGGs. Let's just go back and look at our second objective for this workshop to confirm that we remain 'on track' for our training today (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions?



## TOPIC 3: Crime scene procedures for suspected poaching incidents

- 1** **EXPLAIN:** The key to solving a poaching crime and successfully prosecuting a poaching offence depends upon the actions taken at the crime scene.
- Physical evidence must not be interfered with, destroyed or overlooked.
  - Anyone entering the crime scene may, unknowingly, bring something into the area, or remove or tamper with potential evidence.
  - Witnesses must not be overlooked.

**ASK: What do we mean by the 'poaching crime scene'?**

- 2** *Ask pairs to consider this question, and then present a quick answer and a description of a typical poaching crime scene, while the other pairs listen. Write the first few pairs' suggestions on the flipchart sheet under the title 'Characteristics of poaching crime scenes' and then ask other remaining pairs to add their contributions (add to flipchart sheet).*

**ASK: What is the most important equipment a CGG should have with him/her at a crime scene?**

- 3** *Ask pairs to consider this question, and then present quick answers while the other pairs listen. Write the first few pairs' suggestions on the flipchart sheet under a title 'CGG equipment' and then ask other remaining pairs to add their contributions (add to flipchart sheet).*

**EXPLAIN:** The most important equipment that a CGG needs at a poaching crime scene is a notebook, a pen, and his/her eyes, ears, and nose, because the CGG must observe and record all that he/she observes and perceives (hears, smells).

- 4** **DISTRIBUTE:** Handout #6 and review together the steps that a CGG should take on coming across a poaching crime scene, as follows:

**EXPLAIN:** CGGs should follow the steps below (and summarised on Handout #6) when coming upon a crime scene:

1. **Approach cautiously**, scanning the area and **be alert** (assume that the crime is ongoing). Record in your notebook:
  - a. The location, time and date.
  - b. Any persons or vehicles leaving the crime scene.
  - c. Any persons or vehicles remaining on the crime scene.



2. **Control (secure) the crime scene** (so that evidence is not destroyed):
  - Establish markers (use tape or rope if you have it, otherwise use rocks or pieces of wood that are not part of the evidence).
  - If there are several CGGs, have at least one remain on guard – making sure that people and animals do not enter or interfere with evidence within the boundaries of the crime scene.
  - Do not touch the evidence, just record in your notebook what you observe and perceive.
  - If persons, vehicles or animals do enter the crime scene after your arrival, record the details in your notebook.
3. Carefully make **thorough observations** of the crime scene noting:
  - Animal parts, tracks, blood.
  - Human tracks, clothing, articles.
  - Potential points of human entry and exits.
  - Vehicle tracks, tools, snares, cartridges, etc.
  - Unusual sounds (e.g., gunshots) or smells (e.g., smoke) that may indicate poaching activity.
  - Record all evidence and its location in your notebook.
4. **Protect the crime scene** (until MET or police investigators arrive):
  - Maintain barriers and markers.
  - Maintain a CGG presence if possible.
  - If wind or rain may destroy evidence (e.g., tracks, blood), try to cover the evidence without touching it (turn empty tins or boxes upside down over it).
5. **Report the incident** as quickly as possible.
  - As the CC employs you, you have a responsibility to report to the CC members.
  - The CC then has a responsibility to report to the MET or to the Police, (whoever can respond quickest).
  - If the CGGs can report more quickly to the MET or to the Police than the CC can, then they should do that first and then report to the CC.
6. **Co-operate** with crime investigators:
  - Once crime investigators (MET, Police) arrive, show them your written notes.
  - Assist them at their request, making a report or even visiting the crime scene if necessary.





- 5 **SUMMARISE/LINK:** The last topic in this short training has looked at how the CGG should conduct him/herself at a poaching crime scene.

Before we carry out a very short and simple self-assessment of the training you have received in the course of this Module 3.9 today, let's just go back and look again at all the objectives for this training to confirm that we have covered all the key aspects of the workshop (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions?

## **SELF-ASSESSMENT: Assessing participants' understanding of this Module**

Handout #7 comprises a very short set of questions based on this Module and designed to evaluate the knowledge and skills that participants receiving this training have acquired. It is not intended as a formal test but is meant to help participants assess areas where they have sound knowledge and strong skills, and areas that require further work.

You can either use the questions as the basis of a plenary session with all the participants, or – if more suitable – ask them to write their answers out on some paper that you will provide for the purpose.

Although it will help you personally to modify your training approaches should you be able to discuss their answers with participants, they should not feel compelled to share their responses with you. If they are willing to share their responses, either collectively or individually, then use the information that you gather to assess your own training skills. Also note from participants' responses where these printed training materials might require amendment, for example, if an activity or section of the text is proving problematic.



## List of Handouts that you should make available for this Module

MODULE 3.9, HANDOUT #1: Major Acts conservancies must know about

MODULE 3.9, HANDOUT #2: 'Schedule 3' – Specially Protected Game

MODULE 3.9, HANDOUT #3: 'Schedule 4' – Protected Game

MODULE 3.9, HANDOUT #4: 'Schedules 5 and 6' – Hunttable Game/Hunttable Birds

MODULE 3.9, HANDOUT #5: Listed activities of the *Environmental Management Act* requiring an Environmental Clearance Certificate

MODULE 3.9, HANDOUT #6: Steps for poaching crime scene procedures

MODULE 3.9, HANDOUT #7: *Self-assessment evaluation for participants*

All Handouts are one page only. Please make sure that you make enough copies for each trainee.

Also make sure to bring a copy of each of the following for the conservancy to keep (or make sets of documents to distribute if more than one conservancy is to attend a particular workshop):

- *The Nature Conservation Amendment Act, No. 5, 1996*
- *The Amendment of Regulations Relating to Conservation, 1996*
- *The Nature Conservation Ordinance, No. 4 of 1975*
- *The Communal Land Reform Act, No. 5 of 2002*
- *The Environmental Management Act, No. 7 of 2007*
- *The Forest Act, No. 12 of 2001*

Also make sure to bring a copy of each of the following for the participants just to look at:

- *The Traditional Authorities Act, No. 25 of 2000*
- *The Criminal Procedure Act, No. 51 of 1977*



# NOTES



