



# IOL

- [SUNDAY TRIBUNE](#)
- [NEWS](#)

## Restorative justice approaches to wildlife crimes

*The Endangered Wildlife Trust's Wildlife in Trade programme is saving wildlife from illegal trade. Picture: EWT*

Published 22h ago

**SHARE**

**Durban — South African conservation NGO, the Endangered Wildlife Trust (EWT), has introduced a novel project that seeks to test the use of restorative justice approaches to wildlife crimes – a first for the country.**

The EWT has for the past 50 years focused on conserving threatened species and ecosystems.

Founded in 1973, the non-profit organisation strives to save wildlife and habitats for a world in which humans prosper in harmony with nature.

The EWT, working with the World Wide Fund for Nature (WWF) South Africa Khetha Programme, supported by the US Agency for International Development,

the National Institute for Crime Prevention and Reintegration of Offenders (Nicro) and the Restorative Justice Centre, is leading this project.

In South Africa, it is an offence to undertake any prohibited or unauthorised activity in respect of any legally protected species. Offenders can receive sentences of up to 10 years' imprisonment, fines of up to R10 million, or both.

While this serves to punish the offender, the victim's voice is often lost and it does not address the underlying reasons why the crime was committed, resulting in possible re-offending, and the offender does not directly repair the harm caused to the victim.

Restorative justice is an approach that aims to achieve justice by creating an opportunity for the offender to repair the harm caused to the victim as far as possible. It requires an offender to acknowledge wrongdoing and the resultant harm and take steps to remediate that harm.

Ashleigh Dore, EWT's wildlife and law senior project manager, said the project would test restorative justice approaches across a wide range of wildlife crimes, and related offences.

"This project takes place in two phases. The foundational phase, which began in August 2019, has resulted in the development of a new training course as well as six trained facilitators; a series of resources detailing the applicability of wildlife crimes and providing awareness raising to over 100 people; one comprehensive guideline and two publications.

"This phase is intended to develop a solid foundation for the application of restorative justice approaches to wildlife crimes," said Dore.

The project is focused in the Ehlanzeni Municipal District, working closely with key stakeholders from the Kruger National Park, Mpumalanga Tourism and Parks Agency, Sabi Sand Nature Reserve, traditional and community leaders, the police and the National Prosecuting Authority.

She said they were applying restorative justice within the existing criminal justice system.

The Restorative Justice programme is giving a voice to victims of wildlife crime. Picture: EWT

"Restorative justice is a well-established approach to justice that can have meaningful impacts on combating wildlife offences. As defined by the UN, it is a

flexible, participatory and problem-solving response to criminal behaviour, which can provide a complementary or an alternative path to justice.

“It is our intention that those victimised by wildlife crimes will be able to participate either personally or through representation in the restorative justice process.”

Dore said their primary goal was to have a justice system for wildlife and associated offences that was more responsive and effective.

“We have three objectives we aim to achieve through this project that will ensure we reach our overall goal. That is to ensure that restorative justice processes conducted are time- and cost-efficient, while ensuring legality and transparency are maintained; develop agreements in restorative justice processes of at least 20 wildlife offences that acknowledge and respond to harm caused by the offences and result in appropriate outcomes.

“We also want to obtain feedback from stakeholders who participate in restorative justice processes under this project, to assess whether they experienced the process to be accessible, inclusive and satisfactory,” said Dore.

She said illegal harvesting and killing was a key threat to biodiversity in South Africa with many iconic species severely impacted, as well as the people who live in affected areas.

“Supporting effective compliance and enforcement is imperative in our view to addressing this threat. This project, in seeking to create a space for victims and other impacted parties in criminal justice processes, at the same time seeks to address reasons why these crimes are being undertaken.

“We cannot continue doing the same things and expecting different results, and this project reflects this need for variation of responses by taking a collective approach to justice,” said Dore.

Mike Batley, chief executive of the Restorative Justice Centre, said thus far there has been a lot of awareness raising, engaging of stakeholders and workshops, as well as the training of the Nicro staff members, who are the facilitators.

“I will also be doing the monitoring and evaluation of the cases. This project is significant as it gives additional tools to environmental justice advocates that complements and goes beyond what the criminal justice system can offer.

“In South Africa, the criminal justice system is stretched. This gives the environmental justice advocates and the criminal justice system additional tools creating opportunity for engagement, opportunity for education and other opportunities to resolve issues in constructive ways that are generally not thought of in the criminal justice system.

“It’s a really significant and exciting development. It opens new possibilities. Cases such as the illegal harvesting of bark or hunting with dogs in protected areas, while those are illegal because the species are protected, the criminal justice system wouldn’t be able to engage with them very well and it would be a slap on the wrist.

“It wouldn’t make much difference in terms of helping the offenders understand what’s at stake, change their behaviour or improve their understanding of the issue,” said Batley.

Claudine Maré, area manager of Nicro Mpumalanga, emphasised the primary focus of their social workers on understanding the individual who committed the crime, but also facilitating the process of acknowledging the harm done to the victim.

“Our primary focus involves assessing the individual, delving into the likelihood of them reoffending, uncovering the underlying motivations behind their involvement in criminal activities, and determining how we, as social workers, can address and rectify their criminal behaviour.

“We maintain strong relationships with the courts and consider these aspects in cases related to environmental crimes, poaching, as well as incidents such as young individuals engaged in trespassing or hunting with dogs, all the way to those implicated in offences as grave as rhino poaching,” she said.

**Sunday Tribune**