

## Organised environmental crimes: trends, theory, impact and responses

<http://dx.doi.org/10.17159/2413-3108/2017/i60a2770>

*This issue of South African Crime Quarterly is a special issue dedicated to organised environmental crimes. It is guest edited by Annette Hübschle of the Environmental Futures Project, Institute for Safety Governance and Criminology at the University of Cape Town, and funded by the Global Initiative for Transnational Organised Crime.*

Once considered peripheral, and a green matter, wildlife crimes have moved up global security and policy agendas. The UN General Assembly, for example, adopted two resolutions to tackle wildlife crimes in 2015 and 2016. Meanwhile, South Africa and the Southern African Development Community (SADC) have declared wildlife trafficking a priority crime issue. Rhino poaching, in particular, has captured the attention of the public, the international community and our national government. Less charismatic plant and wildlife species are also harvested and trafficked across the globe. The lesser-known pangolin is considered the most trafficked species, while cycads are the most threatened plant species on the planet. The illegal or irregular extraction of natural resources, logging, mining, overfishing, trafficking in toxic, nuclear or electronic waste, and industrial dumping have all become areas of concern.

A plethora of protective and regulatory national and international measures has failed to disrupt the consumer markets and criminal networks that allow these trades to flourish. While conservation is often regarded as a pastime of economic elites, the impact of environmental degradation disproportionately affects poor people. The role of local people in the protection and management of natural resources has become a policy prerogative in many Southern African countries. However, good intentions and long-term goals are often uprooted in the pursuit of short-term concrete outcomes that supposedly bring down poaching statistics. Shrouded in the terminology of a 'war on poaching', securocrats have called for more helicopter gunships and boots on the ground, while sustained community empowerment and coordinated transnational law enforcement responses seem to have taken a backseat. In the current environment, the perception that wild animals are valued more highly than black rural lives is difficult to dismiss.

South Africa, meanwhile, remains the most unequal country in the world.<sup>1</sup> We know that inequality predicts all sorts of societal ills, including crime.<sup>2</sup> Thus it is not a coincidence that South Africa is both notoriously unequal and crime saturated. Income inequality also produces opportunity inequality. On 1 June 2017 Statistics South Africa reported that the country's unemployment rate of 27.7% was its worst in 13 years.<sup>3</sup> That same day, the publication of over a terabyte of leaked emails between the Gupta brothers (a business family controversially close to President Jacob Zuma) and various

business people and government ministers hinted at billions of rands in kickbacks and dodgy deals, enriching a tiny group of politicians and business people.

South Africa is home to some of the world's largest and most diverse populations of endangered flora, fauna and mineral resources. Structural inequality is also reflected in terms of who benefits from conservation in general, as well as from the protected areas and profits associated with the sustainable use of natural resources. Economic and political elites continue to reap the benefits while local people are often excluded or marginalised. It is perhaps not surprising that some people who have been denied sustainable livelihood strategies in the face of endemic corruption and abundant opportunity might be tempted by the promise of high returns and low risk to get there. Rhino horn, for example, has a street value higher than that of heroin or cocaine. The profits from a single rhino horn trump the annual income of many rural residents in South Africa, some of whom organised crime networks try to recruit as poachers. The real perpetrators are organised crime networks, corrupt government officials and members of the wildlife and conservation industries who facilitate the flow of illicit wildlife and plant contraband. Law enforcement officials and policymakers have been focusing their efforts on reining in poachers rather than buyers and intermediaries. The latter organise and coordinate the transfer of wildlife contraband and other natural resources from the bush to the market. These actors are usually well connected and able to access transnational trade networks. Progressive scholars have started to look at the root causes of environmental and wildlife crimes by considering broader economic, political and systemic factors.<sup>4</sup> Their assessment is that broad-based community empowerment is key, not only to addressing structural inequality and poverty but also to alleviating wildlife crime and other crime types. Is the fight against organised environmental crime more important than the dismantling of organised structural inequality and poverty? Or do we need to take cognisance that responses to these societal ills are perhaps interlinked? Local communities could, for example, become protectors of wildlife and conservation areas if they were granted agency, ownership and beneficiation.

In June 2016 we put out a call for papers for this special issue. What was striking about the many abstracts we received – and what remains true of the contributions to this issue – was the narrowness with which many of the authors approached the subject, despite the diversity of environmental crimes and responses taking place. Perhaps not surprising in the broader political context of South Africa in 2017, white South Africans and researchers from Western backgrounds and institutions (like ourselves) were over-represented. In our call we pointed to the gaps in the scholarly and policy literatures. However, most authors chose to focus on the poaching of charismatic megafauna and law enforcement responses to wildlife crime. We accommodate in this issue a range of views and policy suggestions, but this is by no means an endorsement of such. From a human rights perspective, many readers will find it difficult to accept the proposal that 'shoot-to-kill' is a serious anti-poaching strategy, and the suggestion that rhino poaching is a form of cultural victimisation. However, such views are best debated, and it is in this spirit that we make them available to an audience of policymakers, practitioners and scholars in this publication.

We begin this issue with a conceptual contribution by Duarte Gonçalves, in which he advocates for a 'whole-of-society' response to wildlife crime. Gonçalves notes that the diffuse and networked nature of organised environmental crime threatens not only wildlife but also regional security and social stability. Borrowing from polycentric governance literature, he suggests that conservation

interventions must be harmonised, incorporating cross-border cooperation and the protection of wildlife with local, national and regional socio-economic development and stability.

Aspects of Gonçalves' argument, particularly its recognition of the need for cooperation, are echoed in most other contributions to this issue – although each adds a fresh twist and case study. For instance, Francis Massé, Alan Gardiner, Rodgers Lubilo and Martha Themba provide a glimpse into the lives of anti-poaching community scouts working in southern Mozambique, adjacent to South Africa's Kruger National Park. Based on rich qualitative enquiry and professional observations, Massé and colleagues examine the viability of the community scout initiative to contribute to inclusive and sustainable anti-poaching and conservation programmes. Importantly, they describe the social stigma and exclusion that some scouts encounter in their communities, as neighbours accuse them of selling others out. They argue that such programmes will only be effective when legal wildlife economies produce clear benefits for local communities, and where scouts are accountable to communities rather than to top-down command and economic structures.

Next, Olga Biegus and Christian Bueger invite us to ponder piracy off the coast of Somalia, suggesting there are clear parallels between piracy and organised environmental crime. Similarities include the border-crossing nature and organised structures in which perpetrators are embedded, linking up local foot soldiers to smugglers and international financiers. The biggest challenge posed by such structures, Biegus and Bueger suggest, is that individual states lack the capacity to effectively disrupt their work. They propose that conservation and related stakeholders learn from the pragmatic international and multi-stakeholder cooperation which, in just five years, ended Somali piracy. Before accepting the response to Somali piracy as a silver bullet, it is important to note that powerful commercial and trade interests of predominantly Western nations were threatened. Meanwhile, the trade in endangered species originating in Africa south of the Sahara and headed for Asian markets is unlikely to receive the same attention, unless linked to other agendas. The suggested link between wildlife trafficking and terrorist financing, for example, was debunked.<sup>5</sup> The recent flare-up in piracy in the Gulf of Aden would also suggest that the responses failed to deal with underlying structural and political issues in the long term.

Rob White and Grant Pink also think cooperation is key. They recommend using Interpol's National Environmental Security Taskforce (NEST) model to produce and sustain pro-conservation initiatives. Ideally, they suggest, NESTs should be national structures comprising international, national and local actors and agencies. Through them, conservation actors could be in constant contact with each other, thus allowing for the rapid mobilisation of relevant resources, knowledge and skills, as issues arise. Like organised criminal networks, they suggest, NESTs can facilitate flexible and informed responses based on holistic understandings of illicit acts and flows. We suspect Biegus and Bueger would agree.

Cooperation also features in but is not the focus of two emotive commentary pieces in this issue. Some readers will likely think the authors' messages brave, while others may find them naïve, even dangerous. The first, by Megan Griffiths, argues that some people feel the impact of wildlife crime at a personal and ontological level, experiencing it as 'cultural victimisation'. Griffiths's argument is based on interviews with game park-visiting South Africans, some of whom feared that wildlife crime might deny future generations their 'rightful cultural heritage'. She suggests that such people experience wildlife crime as a personal harm, one that would be more widely recognised if protected areas were accessible to all South Africans. The author's commentary supports assessments

elsewhere<sup>6</sup> that suggest that white (South) Africans express their sense of belonging to Africa through nature rather than people.

The second commentary piece takes us to Botswana, where, so authors Goemeone Mogomotsi and Patricia Madigele tell us, the government's controversial 'shoot-to-kill' anti-poaching strategy has virtually ended rhino poaching. What is missing from their analysis is an acknowledgment that rhinos were declared extinct or near extinct twice in Botswana. Moreover, Botswana protects only 1.12% of Africa's rhinos within its borders, many of which were trans-located from South Africa.<sup>7</sup> Where most contributors to this special issue have shied away from the explicit promotion of 'green militarisation', Mogomotsi and Madigele think it should be taken more seriously by South Africa and other affected states. The authors controversially dismiss human rights considerations, especially in reference to allegations that the 'shoot-to-kill' policy disproportionately affects foreign poaching suspects from Namibia and Zimbabwe, as well as indigenous San peoples, whose livelihoods rely on hunting.<sup>8</sup> Despite our own misgivings, we included the commentary in this issue to allow for debate and critical engagement with the issues and arguments raised. Some policymakers and members of civil society have been calling for tougher enforcement measures, including the controversial 'shoot-to-kill' approach and 'hot pursuits'.<sup>9</sup> It is important to understand this point of departure in order to debunk its usefulness. South Africa and many of its neighbours are constitutional democracies that have abolished capital punishment. Introducing 'shoot-to-kill' may catapult us back to the dark days of apartheid and colonialism where the rule of law and fair process were applied selectively; 'shoot-to-kill' policies target the lowest tiers of organised crime networks while the upper echelons remain untouchable.

Mogomotsi and Madigele's proposal is explored in relation to South Africa in our 'On the Record' interview with Major General Johan Jooste (Ret.). Jooste heads the South African National Parks' Special Projects team, formed in 2012 to tackle a surge in poaching activity in the Kruger National Park. Much of his team's work involves armed patrols within the Kruger Park, or as he puts it – law enforcement. Does the general think a 'shoot-to-kill' policy would change wildlife crime in Kruger? Dig into the interview to find out – it is fascinating.

Finally, we would like to express our deep gratitude to the Global Initiative for Transnational Organised Crime for generously funding the production costs of this special issue, and to Mark Shaw and Tuesday Reitano for their support.

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## Notes

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- 7 Richard H Emslie et al., African and Asian rhinoceroses – status, conservation and trade: a report from the IUCN Species Survival Commission (IUCN SSC) African and Asian Rhino Specialist Groups and Traffic to the Cites Secretariat Pursuant to Resolution Conf. 9.14 (Rev. Cop15), Geneva: Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat, 2016, 1.
- 8 Tileni Mongudhi, Joel Konpono and Ntibinyane Ntibinyane, Deadly borders ... 30 Namibians killed through Botswana's shoot-to-kill policy, *The Namibian*, 9 March 2016; Survival International, Botswana: helicopter crashes after shooting at Bushmen, News Release, 11 August 2016.
- 9 The practice of 'hot pursuits' involved South African Special Forces crossing into neighbouring countries to apprehend or even kill liberation fighters during the apartheid regime. Conservators were calling for the reintroduction of the controversial measure due to the high number of rhino poachers originating and/or working from Mozambique in 2013 and 2014.