**REPORT ON THE SADC JUDICIAL SEMINAR ON TRANSNATIONAL WILDLIFE ORGANIZED CRIME**

**DATE: 01-02 AUGUST 2019**

**VENUE: Gaborone International Conference Centre, GABORONE**

**Report Compiled by**



For Chemonics International - Logo

**ACRONYMS**

AEWA African Eurasian Waterbird Agreement

CBD Convention on Biological Diversity

CMS Convention on Migration of Wild Species

COP Conference of Parties

CITES Convention on International Trade in Endangered Species

IUCN World Conservation Union

JWG Judicial Working Group

NMSG Madagascar has a National School of Magistracy

SADC Southern African Development Community

SAJEI Southern African Judicial Education Institute

TWOC Transnational Wildlife Organised Crime

UN United Nations

**CONTENTS**

[**Executive Summary** 4](#_Toc16340392)

[**1.** **Introduction** 5](#_Toc16340393)

[**2.** **SEMINAR PROCEEDINGS** 6](#_Toc16340394)

[**2.1 Opening and Welcome Speech** 6](#_Toc16340395)

[**2.2 KEYNOTE ADDRESS** 6](#_Toc16340396)

[**2.3 Nature and Extent of TWOC in the SADC Region** 7](#_Toc16340397)

[**2.4. Monitoring of Killing Elephants process and Trends across Africa** 9](#_Toc16340398)

[**2.5 Tanzania -Transnational Wildlife Organizing Crime and Judicial Training**  11](#_Toc16340399)

[**3. Panel Discussions: Adjudicating Transnational Wildlife Organized Crime offences**](#_Toc16340400)

[**3.1 Botswana** 12](#_Toc16340401)

[**3.2 Namibia** 12](#_Toc16340402)

[**3.3 Eswatini** 13](#_Toc16340403)

[**3.4 Malawi** 13](#_Toc16340404)

[**3.5 Madagascar** 14](#_Toc16340405)

[**3.6 South Africa** 15](#_Toc16340406)

[**3.7 Tanzania** 15](#_Toc16340407)

[**3.8 Zambia** 16](#_Toc16340408)

[**3.9 Angola** 17](#_Toc16340409)

[**3.10 Mauritius** 18](#_Toc16340410)

[**3.11 Seychelles** 19](#_Toc16340411)

**3.12 M**[**ozambique 19**](#_Toc16340412)

# **4. Establishment of SADC Working Group on TWOC 20**

**5. Action Plan on TWOC 21**

**6. Game Drive 21**

[**7.** **Conclusion** 21](#_Toc16340414)

[**8.** **Recommendations** 21](#_Toc16340415)

**ANNEXURE**

Annexure I Terms of Reference of the Working Group 23

Annexure II Plan of Action 24

Annexure III Agenda 25

# **Executive Summary**

The Government of Botswana in partnership with USAID VukaNow and the South African Judicial Education Institute (SAJEI) hosted a Southern African Development Community (SADC) Judicial Seminar on Transnational Wildlife Organised Crime during the 1st and 2nd of August 2019. Members of the Judiciary from the Southern African Development Community (SADC) comprising representation from Angola, Botswana, Comoros, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Eswatini, United Republic of Tanzania and Zambia participated at the Seminar.

The three complementary objectives of the Seminar were: 1) sharing best practices and challenges on Transnational Wildlife Organised Crime in the SADC Region; 2) exploring the possibilities of creating a platform to facilitate sustainable communication amongst the Judiciaries in the SADC Region on Transnational Wildlife Organised Crime (TWOC); and 3) identifying ways of strengthening capacity within the respective Judiciaries on adjudicating Transnational Wildlife Organized Crime in the SADC Region. Key activities and processes included panel discussions, game drive at Mokolodi Nature Reserve, open discussions, and plenary sessions.

All the objectives of the Seminar were achieved. The seminar delegates agreed to seek pragmatic strategies and to solicit cooperation among SADC member countries in order to combat TWOC in the region. They adopted an Action Plan to enable the judiciary of the region to participate and collaborate in planning, developing strategies, sharing information and best practice in dealing with TWOC. A SADC Judicial Working Group on Transnational Wildlife Organized Crime (JWG-TWOC) was established.

Notable recommendations included the need to intensify capacity building of judicial officers, prosecutors and law enforcement officers as a strategic priority in combatting TWOC. SADC inter-state cooperation was equally critical with emphasis laid on improving bilateral cooperation between neighbouring states to combat poaching and transnational crime. It was proposed that the SADC Secretariat hosts a website of TWOC cases to be used as reference resource.

The need for a holistic approach towards combatting illegal wildlife trade at the regional level was recognized. It was strongly recommended that law enforcement measures be strengthened through information sharing, technical support, capacity building, education and awareness, inter agency collaboration, as well as development and implementation of respective National Action Plan. A strategic engagement of stakeholders was deemed as essential success factor. Special focus was made on the need to improve communication with civil society to promote positive aspects related to wildlife conservation. The role of monitoring and evaluation in implemeting the plan of action was deemed to be of paramount importance.

# **Introduction**

The Government of Botswana in partnership with USAID VukaNow and the Southern African Judicial Education Institute (SAJEI) hosted a Southern African Development Community (SADC) Judicial Seminar on Transnational Wildlife Organised Crime during the 1st and 2nd of August 2019. Members of the Judiciary from the Southern African Development Community (SADC) comprising representation from Angola, Botswana, Comoros, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Eswatini, United Republic of Tanzania and Zambia participated at the Seminar.

The specific objectives for convening the SADC Judicial Seminar with threefold, including;

1. Sharing best practices and challenges on Transnational Wildlife Organised Crime in the SADC Region;
2. Exploring the possibilities of creating a platform to facilitate sustainable communication amongst the Judiciaries in the SADC Region on Transnational Wildlife Organised Crime; and
3. Identifying ways of strengthening capacity within the respective Judiciaries on adjudicating Transnational Wildlife Organized Crime in the SADC Region

The Seminar engagement also sought to explore strategies necessary to achieve tenets of good governance including economic development, peace, security, growth, poverty alleviation, improved standard and quality of life for the people as well as supporting socially disadvantaged through regional integration. To this end, the judicial officers of SADC region sought to strengthen their education and capacity in handling Transnational Organized Wildlife Crime (TWOC). The forum provided an opportunity for exchanges of best practice, capacity building and partnership. This Report therefore documents the proceedings of the Seminar, emerging issues, resolutions and recommendations.

**Understanding Transnational Wildlife Organized Crime**

TWOC was defined as the illicit procurement, transportation and distribution of wildlife or wildlife products across borders. Transnational crimes against wildlife are known to relate to the chain of actions that involve the execution of wildlife crimes, where each actor in the crime has a role, from the individual who supplies the weapon, to the slaughterer of wildlife, carriers, customs brokers, to their final destination.

This type of crime has progressed to employment of sophisticated techniques by the wildlife traffickers and is increasingly associated with high levels of violence and corrupt practices. Wildlife trafficking is usually perpetrated by well organised criminal syndicates, who exert illicit sophisticated techniques and networks such as those used in the trafficking of humans and drugs. The illicit trafficking of wildlife is linked to a number of financial crimes such as fraud and counterfeiting. The cartels and criminal networks tend to capitalize on poor political will to uphold good governance, limited law enforcement capacity and weaknesses in the criminal justice system to thrive.

The devastating effects of TWOC are felt on the development, security and overall stability of countries and the adverse effects are cascaded to the region, the continent and the world at large. The debates that are prevalent and dominant at the Conference of Parties to the Convention on International Trade on Endangered Species of CITES/COP is for trade in wildlife and wildlife products to be totally eliminated. This would affect the welfare of communities of the region adversely since their effort to manage and conserve wildlife would not be rewarded with valuable benefit. This would only aggravate poverty levels especially among the rural people.

# **SEMINAR PROCEEDINGS**

## **2.1 Opening and Welcome Speech: Hon. Chief Justice T. Rannowane, Botswana**

The Chief Justice of Botswana highlighted in his Welcome Speech that the development of environmental justice has gained momentum in Africa and the Judiciary plays a critical role in enhancing access to environmental justice and responding to environmental challenges. Transnational Wildlife Organised Crime has become prominent in the SADC region and cannot be ignored by members of the Judiciary, thus the agenda becomes a strategic initiative. He emphasized that organised crime emanating from wildlife trafficking must be fought as proceeds from these crimes are used in various forms and, to some extent, to destabilise democracies within the Continent and beyond. On that note he reiterated that it was an honour to welcome legal minds from the 13 SADC countries for purposes of sharing experiences on adjudicating TWOC.

He further noted that SADC has intensified efforts to capacitate and educate the Judiciary as it is a key component in the transformation of the Judiciaries in the region to ensure compatibility with global standards. He commended the Seminar as a strategic forum that allows participants to share and exchange practical best practices, experiences and solutions as the only route to pursue to overcome the problems identified. For continuity and value addition to the Continent and the world at large, he reiterated that such practice must go beyond the ongoing Seminar. To that end, he highlighted the need to establish a Regional Forum or Working Group to ensure effective judicial strategies and Action Plans are developed, implemented, monitored and evaluated to combat TWOC in the SADC region.

He concluded by emphasizing the significance of a close working relationship amongst judiciaries, sharing of resources and establishment judicial education institutes with government support to address challenges on environmental crimes that threaten the extinction of wildlife in the region. With those highlights, he officially opened the 2019 TWOC Seminar.

## **2.2 Keynote Address: Hon. Bagalatia Arone, Acting Minister of Environment, Natural Resources Conservation and Tourism**

Setting the tone for the Seminar, the Acting Minister of Environment, Natural Resources Conservation and Tourism reiterated the objectives of the Seminar as noted in the introduction. He further observed that The Judicial Seminar’s agenda resonates fully with the main objectives for the establishment of SADC membership being: achieving economic development, peace, security, growth alleviating poverty, enhancing the standard and quality of life for the peoples and supporting the socially disadvantaged through regional integration.

He emphasized that TWOC involves the illicit procurement, transportation and distribution of wildlife or wildlife products across borders. These are now recognised forms of Transnational Organised Crime that require more combative effort to overcome due to corruption and high levels of violence as traffickers have become more adept at evading justice. He underlined that Research has demonstrated that organised crime in most countries is underpinned by corruption either as a facilitating activity or an organised criminal activity in its own right. Cartels and networks capitalise on loopholes in the judicial system, lack of capacity of law enforcement and lethargic political will to carry out their operations. Statistics further demonstrate that TWOC impacts adversely on society and the economy’s stability, security and development. He therefore challenged the Seminar to interrogate and locate the effectiveness of law enforcement agencies and courts against TWOC.

He quoted Stephanie Pendry, Enforcement Programme Leader for TRAFFIC who stated at the UN Convention against TWOC, Vienna 2012, that:

*‘Wildlife criminals are raking in huge profits from this illegal activity, at relatively low risk or arrest, prosecution or imprisonment. They are escaping justice because wildlife crime has not been regarded as a serious crime. But these criminal networks are having huge impacts threatening not only wildlife but also damaging communities, local economies and rule of law’.*

He reiterated the relevance of the above statements and highlighted the need to give them due consideration at the Seminar. He therefore challenged the participants to construct effective judicial strategies to combat wildlife Organised crime.

He further observed that organised criminal cartels have greatly undermined the Convention on International Trade in Endangered Species (CITES), which regulates trade in certain wildlife species. He called on Government worldwide to augment their own domestic laws to prevent and combat TWOC at all levels of the trade chain. He observed that as a result of illicit trade, the welfare of some communities may be affected because instead of addressing the core issues, some countries are advocating for total elimination of trade in wildlife and their products. The communities that could benefit out of wildlife conservation and management would be greatly disadvantaged. As a representative of a constituency with the largest elephant herd in Botswana he mourned that he too could be conflicted as the communities in the Delta maintain that they must benefit as custodians of the conservation strategy of Botswana. However, he recognised the effectiveness of the Botswana laws and raised hope that other jurisdictions may follow their example in protecting their natural resources.

He concluded by highlighting the Government of Botswana’s appreciation of the Administration of Justice and their current partners in this initiative, being USAID and South African Judicial Education Institute (SAJEI) for sponsoring and facilitating the convening of the Judicial Seminar which already spell success. He noted that this initiative must mark the beginning of future constant and consistent engagements for all judiciaries and a prayer should be said that SADC member governments will spearhead the process and machinate laws to significantly reduce TWOC through the enactment of clear and punitive legislation and extradition agreements amongst members.

## **Nature and Extent of TWOC in the SADC Region: Mr. S.R. Johnson, Chief of Party, USAID VukaNow**

It was reported that elephant populations of the African continent stood at about 27 million in 1800, and were reduced to 1.3 million in 1974. Today the elephant population of the continent is estimated at 415 000 with 12 000 in West Africa, 24000 in Central Africa, 86 000 in East Africa, and 293 000 in Southern Africa. The worrisome fact is that the Central, East and West Africa are currently being lost at over 30,000 elephants per year. If the current rates persist the 122,000 elephants are at risk of extermination in the next two decades. The trends of TWOC show that Asian crime syndicates are already turning their focus towards Southern Africa populations.

**Poaching Trends**

Wildlife crime is rife, global, on the increase, and closely linked to organized crime. This is illustrated by Interpol statistics of Operation Thunderbolt in 2019 that shows 1828 seizures in 111 countries involving 582 people that were arrested. The poaching of wildlife is driven by local groups linked to international transnational organized crime syndicates who mastermind the operation and its activities. They use sophisticated approaches and equipment including well trained local hit-men with high powered rifles, laser night-vision telescopes and cutting edge silencers. The targets are well researched and supported on the ground as well as by aircraft at times.

**Trafficking Trends**

The markets for illicit wildlife commodities is in the Far East, especially Vietnam and Thailand with increasing demand from China. The trade is controlled by versatile and sophisticated syndicates that are responsive to law-enforcement efforts and succeed by constantly adapting. This dynamism of traffickers was demonstrated by the drastic reduction of routing rhino horn to Asia through Europe with effect from 2013 and a preference for direct routing to China, and to Vietnam via Yemen. It was noted that the number of rhino poached in RSA increased drastically in 2013 to over 1000 mortalities per annum and peaked at 1215 in 2014. The packages and consignments are concealed and disguised remarkably. This requires vigilance among customs staff at points of entry into countries, particularly airports where most seizures are made.

The number of global seizures of rhino horn have decreased over time with a corresponding decline reported in annual mortality of the species in RSA. The mortality stood at 769 in 2018, having dropped to below 1000 since 2013. This can be attributed to the effectiveness of law enforcement effort in RSA where most of the African continent’s rhino are found. It is postulated that with a more capacitated judiciary there could have been enhanced prosecution, sentencing and incarceration, which would lead to an even better result than that of 2018.

The presentation noted that victories are increasingly realised as various smuggling routes have been identified and significant efforts were made to contain poaching in Kruger National Park with a 95% conviction success rate. Seizures in South Africa, China, Vietnam, Hong Kong and Kenya have been recorded and in some instances reports show routes through the European Union. Of note is China’s increased seizures, a reflection of their response to VukaNow’s efforts through CITES to clamp down on wildlife trafficking.

Effectiveness on law enforcement has increased since 2012, however enhanced prosecution; sentencing and incarceration would improve the situation drastically. VukaNow’s presence at the Judicial Seminar is to advocate for deeper awareness of the participants to help combat TWOC as it works across sectors with the police, military, customs, immigration officers, treasury and tax organisations. VukaNow believes sentences can be structured legislatively in a manner that acts as a deterrent.

**Judiciary reforms**

The presentation emphasized that to effectively protect wildlife resources from illicit trade stakeholders need to improve cooperation in law enforcement, implement anti-corruption measures and build capacity for successful prosecution. Judiciary can assist in the following ways:

* empower the judiciary to understand the vulnerability of the species and populations being brought before them;
* create greater awareness of the financial and cultural value of traded species of wildlife and plants;
* greater understanding of the breadth of legislation that goes beyond national parks to include trespassing, arms possession for the judiciary to successfully prosecute and convict felons; and
* sentencing must be both prohibitive and punitive to deter would be poachers from attempting to venture into the trade of wildlife**.**

**"Partnership with the VukaNow Iniatiative**

The USAID has come up with a 4-year initiative called VukaNow to combat wildlife crime. The goal of VukaNow is to decrease wildlife crime across Southern Africa by: supporting learning and sharing of experiences on combating wildlife crime; and by facilitating collaborative action to reduce wildlife crime in targeted areas in the SADC region. The project works with governments and TRAFFIC to facilitate training of law enforcement officers, prosecutors and judiciary officers. VukaNow supports NGOs that work with communities to acts as co-owners of natural resources and partner with law enforcement agencies against wildlife crimes."

**Recommendations**

The presentation made the following observations and recommendations for dealing with TWOC

* There is need for improved cooperation between local, national, regional and international law makers and enforcers;
* High anti-corruption measures should be established and implemented;
* Intensify targeted investigations to disrupt and arrest transnational criminal networks;
* There is need for increased power packed actions and seizures that lead to arrests;
* Improve processes of seizure;
* There is need to improve successful prosecution of perpetrators;
* Strengthen proper and improved data collection and information sharing on seizures and methods of concealment on transnational basis.

## **2.4. Monitoring of Killing Elephants process and Trends across Africa – Jacques du Toit**

The presenter observed that the mindset and thought process of perpetrators of TWOC was centered around four factors, being:

1. value of the Commodity,
2. the existing demand in the world market,
3. the risk of being successful, and
4. the amount of profit in monetary terms associated with the illegal activity to be undertaken.

It was demonstrated that currently TWOC remains most attractive of all illicit trafficking activities since the chances of being caught are low due to the prevailing low law enforcement effort in the resource - rich countries such as the SADC region. The penalties for wildlife crime remain way more lenient compared to the value of wildlife commodities.

A seemingly mundane creature such as bee has a price if its function of pollinating flowers to produce fruit is taken into account and valued in monetary terms. Hence consignment of wildlife species such as reptiles and insects that appear ordinary to most, are trafficked for their value. Anything that is valuable is tradable either legally or illegally.

Traffickers tend to be attracted to wildlife species and wildlife products that are unique to a country. That is why CITES terminology classifies species according to their origin as either indigenous, endemic or exotic species. When fauna and flora species are traded internationally, the countries affected can be termed as import, export, re-export or transit. The trade is complex and has many players as with trafficking of narcotics. Therefore, countries that are neither sources nor destinations of illicit wildlife commodities can play a role as important transit or re-export points.

To fully understand the impact of TWOC on the economy, the concept of “biodiversity economy” was coined to refer to the diverse and multifaceted industry associated to, and stemming from a rich biodiversity of a country. The value of biodiversity is derived from industries including eco-tourism and tourism activities, outdoor commercial activity, hunting, wildlife products, activities in protected areas and medicinal and ornamental plant cultivation.

Below is a checklist of important factors associated with wildlife related crime for consideration by the judiciary in developing guidelines that deal with cases of TWOC:

* Statutory law;
* Wildlife trafficking cases often involves foreign nationals;
* Use of, and management of interpreters;
* Dealing with Illegal immigrants, bail proceedings;
* Wildlife trafficking cases often involves extradition;
* Introduction of evidence collected abroad – admissibility of evidence;
* Cases that involve corrupt government officials as accused;
* Money laundering and racketeering;
* Links to other transnational crimes: drugs, firearms, human trafficking;
* Defence / accused utilizing delay tactics (changing representatives, last minute apologies) – in an attempt to drain state financially;
* Extent of the problem – looking at foreign detections;
* Perceived minimized role of accused (syndicates ensures to utilize multiple people for very specific actions);
* Pitfalls around – value estimation / case frequency, prevalence;
* Forfeitures and dealing with live exhibits (fauna and flora);
* Sentencing; and
* Dealing with possible intimidation by gangs (all parties).

The priced and unpriced value of wildlife needs to be established in order to address TWOC cases effectively. The value of wildlife species and their products should be similar anywhere in the world. For instance, the value and the seriousness of a case involving rhino or tiger should be same whether in China or in RSA. The concept of “biodiversity economy” and “ecosystem function” should be applied in consideration of punishments and penalties for wildlife related crime. It should be noted that the less the judiciary believes and understand the seriousness of wildlife crime, the more wildlife crime activity becomes a low risk venture and a viable option for traffickers to engage in TWOC, as compared to other crimes.

## **2.5 Tanzania -Transnational Wildlife Organizing Crime and Judicial Training - Tanzania Dr Paul Kihwelo**

The presenter noted that traditional organised criminal groups involved in illegal activities such as human, drugs, arms trafficking as well as terrorist groups are increasingly involved in wildlife Trafficking. This makes wildlife crimes the fourth largest global illegal trade after drugs, counterfeit goods, and human trafficking. The transnational and organized nature of wildlife trafficking necessitates a common and coordinated response levels in investigation, prosecution and adjudication at national, regional and international. At the current rates of loss, elephants, rhinos and other iconic African wildlife may be gone within 10 years. He reiterated that stakeholders have to address this crisis by stopping the trafficking through some of the following strategies.

* Strengthening law enforcement to reduce opportunity for illegal hunting. Where huts are successful, reduce possibilities for moving wildlife trophies and other products.
* Working together with the demand countries to stop demand.
* Punishing poachers and ensuring traffickers are apprehended and severely punished once found guilty and dully convicted.
* Introducing and/ or strengthening judicial training programs on, *inter alia*, wildlife crimes cases for Judges and Magistrates.
* Working with all other stakeholders in dealing with wildlife trafficking.

**Emerging Issues**

1. The need for a strategy to infuse conservation in the education system and to create awareness for communities and the greater public. Emphasized was made on the importance of sensitizing communities on crime as some crimes are historical but have merely scaled up.
2. Crime can be reduced through comprehensive strategies that can eradicate poverty among the people of SADC region.
3. The need to strengthen effort to address unemployment so that communities are not vulnerable to illegal activities.
4. Mobilising funding to enable training of judicial officers, magistrates and judges; and training of prosecutors and those who collect evidence.
5. To consider approaches used by the judiciary in Botswana, where mobile courts were used to deal with cases of stock theft onsite.

# **Panel Discussions: Adjudicating Transnational Wildlife Organized Crime offences with Focus on Overview of crimes linked to wildlife Trafficking; Evidential aspects, and Sentencing considerations and challenges.**

## **3.1 Botswana - Justice Moroka**

Botswana has the largest elephant population in Africa, if not the world. Government allocated 40% of land mass with 7% of that land mass belonging to national parks, 30% for game reserves and 23% as wildlife management areas that serve as buffer between conservation and settled areas. Wildlife conservation is critical to Botswana’s economy, following diamond extraction and is protected mainly through the Wildlife Conservation and Natural Resources Act [38:01]. Wildlife conservation is threatened by human/wildlife conflict due to the rising populations of both species. Poaching, particularly transnational wildlife organised poaching has become a threat to the tourism and wildlife industry in Botswana. To date, there are 328 cases registered with Magistrate courts countrywide, comprising 82 of unlawful possession of ivory, 2 of unlawful possession of rhino horn, 70 unlawful capture of protected animals, 3 unlawful hunts, and 7 of hunting in a game reserve. The cases show a mix of both subsistence and organized poaching. Organised crime focuses on cubs of cheetah and lion, pangolin scales, ivory and rhino horn.

The transnational organised syndicate has the following parties: poacher-foot soldier (individual with intimate knowledge of local terrain) - middle man (supplier of firearms and plans escape routes and pays for product) - groups that are ready to receive the products.

**Judicial Aspects**

1. The Magistrate Court has original jurisdiction to try all wildlife offences with the High Court coming in as the initial appeal court. However, some magistrates, by virtue of grading do not have jurisdiction to sentence. Cases are therefore pushed to the High Court for sentencing which delays finalisation of matters as they are part heard.
2. Lack of uniformity in sentencing as there is no mandatory minimum sentence prescribed by statute. Discretion is therefore left to the magistrate. The Court of Appeal has tried to benchmark by passing judgment that places the minimum as 2 years for a single pair of tusks, escalating according to the number of products found (Kirby, Judge President).
3. Criminal syndicates offer each other legal assistance, so should the judiciary amongst member states and training of judiciaries. Regional cooperation is key.

## **3.2 Namibia – Justice D. Usiku**

Wildlife trafficking is equated to human trafficking in Namibia. Revenue due to government is lost as a result of TWOC. Due to value of wildlife in Namibia, environmental protection is incorporated into the Constitution and all policies and subsequent legislation complies with it. The relevant statutes are Environmental Act, 2007, Environmental Protection Act, Controlled Wildlife Trade Act and the Nature Conservation Ordinance, 1977 (amended in 2017) among others.

1. Ordinance 4 has high fines and long sentences as deterrence. With poaching of elephant and rhino, custodial sentences are meted out.
2. The Minister of Environment and Tourism established an Anti-Poaching Unit supported by the Police and defense forces.
3. Namibia has recently augmented laws on illegal exploitation of marine resources, waste dumping and illegal mining of natural resources. As statutory offences, perpetrators are charged at Magistrate Courts and given custodial sentences.
4. Recommends cooperation of regional states to combat wildlife.

## **3.3 Eswatini – Justice M. Dlamini**

In Eswatini, wildlife is a tourist attraction together with the landscapes of the Kingdom of Eswatini. It is protected mainly through the Game Act. The statute has caused tremendous outcry among populations who complain that it makes animals seem more important than people. The people are aggrieved by the sections that give game rangers the right to shoot poachers and those that stipulate stiff minimum custodian sentences. People are outraged by provisions that make killing of wildlife species such as, the green mamba a crime and the expectation that they rather call the rangers to deal with them. The minimum sentence for possession of ivory is 10 years. There was an incident where a first offender wanted to plead guilty but the law enforcement officers insisted on a “not guilty plea” to allow due process of the law to be followed. Although sentences seem harsh, they are seldom applied since legal argument still lets perpetrators escape with lighter non-custodial sentences.

## **3.4 Malawi – Justice C. Kachale**

International instruments guide the implementation of local laws e.g. SADC Protocol on Mutual Legal Assistance in Criminal Matters, Protocol on Corruption that provides mutual assistance against corruption and extradition amongst others. As a result, Malawi has implemented laws that allow for training of the Judiciary, leading of evidence during trials and justiciable sentencing. Stiffer penalties were also created from 2016 as prior to that, most sentences were reduced to ineffective fines. Malawi has produced a Handbook for prosecutors that guide them on how to handle wildlife crimes, carry out investigations and prepare sentences. The equipment used in crime is all forfeited to the state. If wildlife crime cases can be treated with the same vigour as other serious crimes e.g drug and narcotics cases, then significant progress would be made in safeguarding wildlife resources.

**Challenges**

1. interlinkages of criminal charges vis-a-vis nationality of accused persons, extradition and jurisdictional authority to try.
2. Quantification of loss of wildlife products to aid with sentencing is a challenge. Experts become a necessary but albeit expensive means of ensuring prosecution is done to the full extent of the law.
3. When convicted, some criminals are ordered to pay fines. We have issue accepting money from such individuals because in most cases it is money attained from illegal practices.
4. Entrapment by law enforcement agencies culminates in unnecessary acquittals.

## **3.5 Madagascar: Treatment of TWOC related to Wildlife in Madagascar – Justice A. Ramarolahihangonirainy**

Madagascar has a rich biodiversity comprising 90% endemic species of flora and fauna. Some of these species, such as the angonoka turtle (*Astrochelys Yniphosa*), are tradable in Europe, Asia and North America and can fetch up to US$10,000. A survey by WWF TRAFFIC of 2014-2016 on treatment of infringement cases related to the exploitation and illegal trade of precious woods showed that of 3 courts (Antalaha Court, Maroantsetra and Toamasina) that handled a total of 65 cases involving 316 accused persons, only 76 were charged while 149 were released.

Crime is not a concern to authorities. As a result, efforts to combat crime are ineffective. There are two jurisdictions that handle organized crime related to wildlife:

1. Anti-Corruption Poles are specialized courts that deal with the prosecution of crimes and offenses related to corruption. However, almost all poaching networks survive due to the corruption of authorities at all levels. (Law n ° 2016 -021 on Anti-Corruption Poles).
2. Ordinary courts deal with all offenses where corruption is not involved, such as poaching due to hunger, poaching fun, poaching leisure etc.

**Opportunity**

Madagascar has a National School of Magistracy (NMSG) that is well placed as a platform for sharing experiences and best practice with the greatest number of people through the initial and ongoing training of judges. Environmental law was to be introduced in the curriculum of the NMSG training from next year.

**Major challenges**

1. Judges are not trained on offenses related to the highly specialised discipline of international trade on wild fauna and flora. Consequently, cases usually stop at the observations that are not followed by concrete decision-making.
2. Lack of political will frustrates efforts of the judiciary.
3. There is a permanent dilemma between balancing arguments for human survival and the protection of biodiversity.

## **3.6 South Africa: Adjudicating Wildlife trafficking offences and related crimes – Justice S.M. Mbenenge**

The presenter noted that South Africa is home to about 10% of the world’s plants, 7% of reptiles, birds and mammals, and 15% of known coastal marine species. The web of natural life is vital for human well-being as it provides water, food, eco-tourism, fisheries, medicine, energy and oxygen; that is why human beings need to take care of the natural wealth. South Africa gives citizens the right to have the environment protected for them and future generations. This ideal is carried in laws that protects fauna and flora though the National Environmental Management: Biodiversity Act 10 of 2004, the Cape Provincial Ordinance on Nature and Environmental Conservation Act 19 of 1974, the Marine Living Resources Act 18 of 1998, Prevention of Organised Crime Act 121 of 1998 and various provincial statutes. Prevention of Organized Crime Act stipulates a minimum sentence of 15 years imprisonment.

**Evidential Aspects**

1. Evidence takes the form of police testimony given on the strength of information gleaned from various sources including police informers;
2. At times, leads given to the police result in searches being conducted. In some instances, the admissibility of the evidence gets challenged.
3. In the case of rhino poaching, possession by the accused person(s) of various items of rhino poaching implements and rhino horns, and failure to account for that possession.

The prevalence of the commission of wildlife crimes, trafficking and trade in South Africa and indeed other countries is reflective of deep-seated, systemic dysfunctionality and that legal mechanisms to address this phenomenon are limited and are reactive in nature but are nonetheless necessary.

## **3.7 Tanzania – Justice R. Ibrahim**

Has a Judicial Training College that is recommended for use by member states either to benchmark or to be used as pilot institution. It boasts of Standard Operating Procedures for prosecuting offences on wildlife and a case management for timely dispensation of justice. The strategy for enhancing capacity for jurisdiction entails training and retraining of judicial officers.

Most cases are tried at the Magistrate Court using corroborating evidence. There are a lot of poaching and trafficking syndicates e.g. the Chinese Queen of Ivory was charged for racketeering 440 elephant tusks using taxi drivers and community members to transport wildlife products. Upon conviction all personal properties are forfeited to the state and one has to prove otherwise for them to be released.

**Challenges**

1. There are inconsistencies in processing legal cases that force many magistrates to acquit accused persons for lack of evidence. Police officers are not adequately trained to gather evidence.
2. Statute has mandatory minimum sentence of 20years and maximum of 30years. Judges have no room for discretionary sentencing, more particularly in cases with extenuating circumstances. This pauses a problem during appeals and retrials.
3. Certificates of seizure are not acquired properly, opening up cases to dismissals. Judges in some instances allege being coerced/forced to sign same.

**Emerging Issues**

1. Harmonise laws within the SADC region without compromising local circumstances and associated politics and address legislation discordance.
2. Address training deficit in wildlife crime particularly in the Magistracy. (Resolution)
3. Judicial practitioners are in fact-finding, application and interpretation of the law. Shorten trials by not leading on every aspect of the case.
4. Consider Malawi guidelines for ensuring minimal disparity in sentencing.

## **3.8 Zambia – Justice W. Muma**

Zambia has set aside 31.4% of the country’s land area for wildlife conservation. The country had one of the largest elephant populations in the region but lost 90% of it in the last 60 years. Statistics from the National Parks and Wildlife department reveal that by 2017, a total of 131 elephants were poached while a disproportional 3570.8kg of elephant ivory was recovered. The high figure of tasks is attributable to Zambia being a transit point and so some ivory is from neighbouring countries.

Illegal wildlife trade is not only pushing several iconic species to the brink of extinction but this organised crime is associated with corruption and insecurity. For instance, Zambia lost all of its rhinos in one generation. In 2015, the species was re-introduced in Lusaka National Park and Livingstone, where the two rhinos at each sanctuary are heavily guarded for 24 hours daily. The Livingstone rhinos were killed in 2018. The perpetrators were convicted and sentenced to 7years imprisonment with hard labour. It is regrettable that this valuable wildlife has not enriched the nation but a few criminal elements.

Wildlife trafficking fuels other crimes of money- laundering; production of false statements by persons arriving in Zambia, false invoices, false representation and forgery; possession of more than one passport; and acts of corruption including offer of bribes. Relevant legislation for wildlife and associated offences included Wildlife Act of 2015, the Penal code, Prohibition and Prevention of Money Laundering Act 2001, Customs and Excise Act, the Zambian immigration and Deportation Act, and the Anti- Corruption Act.

**Evidential aspects**

Wildlife offences are prosecuted in magistrate courts. However, the vast majority of the cases are referred to the High Court for sentencing because they attract mandatory minimum sentences beyond the sentencing jurisdiction of many classes of magistrates. There is also inadequate manpower, poor technical support, huge land that is porous, human/wildlife conflict, inadequate resources, inadequate law enforcement forces and ineffective institutional frameworks.

A *Rapid Reference Guide for Investigations and Prosecution of Wildlife Crimes in Zambia* was adopted to guides investigators on the type of evidence to collect and how to preserve it. The evidence must be relevant, credible and admissible before courts. It guides prosecutors on how to identify elements of particular offences and to lead evidence to prove each element.

In terms of the law, the procedure governing the prosecution of wildlife crimes (like any other crime) is mainly guided by the Constitution, the Criminal Procedure Code Act,and common law since Zambia is a common law jurisdiction. The Constitution places the burden of proof of guilt of an accused person on the prosecution from the beginning to the end of the trial.

**Sentencing considerations**

* An overview of the penalties as enacted in the *Zambia Wildlife Act* ranges to a maximum of 25 years imprisonment and a maximum of 600,000 penalty units in terms of fines, which interprets into K 180,000 or about US$13,800.
* The downside of this is that the Court’s hands are tied as they do not have discretion in terms of meting a sentence that is commensurate with the offence. There is a mandatory minimum sentence prescribed in almost all wildlife related offences and the intention was to deter people from committing the crime or its recurrence.
* Nonetheless, these laws have not been working as intended, instead, mandatory sentencing has led to some unfortunate consequences like overcrowding in prisons and less prison based rehabilitation.
* The mandatory minimum sentences by and large effectively deny Judges of their ability to adjudicate a fair punishment.

**Solutions:**

* Inclusion of local community groups in foot patrols
* Deployment of armed forces in anti-poaching
* well managed law enforcement networks
* development of a regional cooperation and transboundary collaboration
* sensitise and create awareness to judiciary
* specialisation of judicial officers in adjudication
* capacity building of prosecution and investigation officers
* promulgation of effective legislation,

**3.9 Angola: National Strategy to combat Poaching – Justice M. Nunes**

Angola has suffered environmental problems after decades of conflict resulting in the relocation of various species of animals to neighbouring countries. Some wildlife has returned to their natural habitat including elephants, the Giant Black Phalanx, hyenas, lions, giraffes and other species. The country is confronted with a challenge of environmental crime, poaching and trafficking of wild flora and fauna products. This has necessitated strengthening of wildlife security framework especially at the airport where an Environmental Crimes Unit has been established.

Environmental legislative reform is now one of the state's priorities, as are the corresponding adjustments to the National Policy for the protection and preservation of species. The existence shops that trade in products from the fauna and flora is prohibited by law. There were seizures of wildlife and its products at the airport since 2015 including two consignments of ivory destined to China. There were arrests of 2 Vietnamese caught with consignments of ivory while another 4 await trial. The country has become a route for trafficking in products from wild flora and fauna.

**Way forward**

1. Integrate the executing entities of environmental policy with communities through local interventions.
2. Adopt legislative measures on poaching and draft relevant bills.
3. Train staff and promote integrated actions with Public Order (Police, SIC, Tax Police).
4. Creation of a database

## **3.10 Mauritius – Justice Manna**

Mauritius is home to700 species of indigenous flora**,** comprising of 246 that are endemic. Among the endemic species of fauna are bats and marine mammals. The endemic species are targeted by international commercial trade because of their rarity and high economic value.

Mauritius became a signatory to CITES in 1975, domestication was made through the Native Terrestrial and National Parks Act, 2015 whose regulations are being processed. The sentences vary from a fine not exceeding 100,000 Rupees and imprisonment not exceeding 5 years

Other agreements that Mauritius has signed to protect fauna and flora include the United Nations Convention on Biological Diversity (CBD); the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation; the Convention on Migration of Wild Species (CMS)/ The African Eurasian Waterbird Agreement (AEWA); the Ramsar Convention on Wetlands; and the World Conservation Union (IUCN).

Way forward

* A holistic approach to combatting illegal wildlife trade at the regional level is necessary. Strengthening enforcement measures through information and technical support, capacity building, education and collaboration and by developing and implementing respective National Action Plan for illegal trade.
* Concerted efforts from various local, regional and international enforcement agencies are needed to ensure that illicit trafficking is properly investigated and prosecuted.
* More efficient sharing of information between customs agencies of SADC countries is needed. The INTERPOL Wildlife Crime Working Group has developed a system called Ecomessage as a standard format for reporting cases related to illegal trade in endangered species.

**Evidential aspects**

* Admissible evidence in courts
* The Customs Department, Police and other officers must work hand in hand and be well equipped (scanner) to gather real evidence.
* Agency-to-agency method of gathering information is important.

**Sentencing considerations and challenges**

* To make it impossible for the offender to commit the offence again by taking away the means of continuing with that offence.
* Specific sentencing guidelines are required.
* Treaties among countries - to transfer convicted persons to serve sentence in their country.

## **3.11 Seychelles- Hon. Justice C. Dodin**

Seychelles, like Mauritius, has not ratified CITES as the common endangered species identified are not indigenous to Seychelles. However, giant turtles found on the island are a target for wildlife trafficking. The Police are slow in processing cases-arrests and prosecutions. Fines and sentencing are not a deterrent for traffickers. The focus of prosecution has primarily been on organ poaching not trafficking itself. All sentences must be commensurate with the crime charged so that judges are not tied down by the country’s currently ineffective statutes.

## **3.12 Mozambique: Trials / decisions on transnational organized crime against wildlife and related crimes – Justice A. Samuel**

The legal framework on wildlife and trafficking of protected species include the UN Convention against Transnational Organized Crime, and the UN Convention on International Trade in Endangered Species of Wild Fauna and Flora. This is complimented by the constitution and domestic legislation such as the Law on Forests and Wildlife, and a Law on the Conservation, Protection and Sustainable Use of Biological Biodiversity. The Conservation Law of 2017 has provision to penalise citizens who participate as actors, accomplices, cover-ups in the crimes of prohibited hunting, exploitation of mining and forest resources. The experience of Mozambique of a typical TWOC on rhino or elephant would involve various role players as follows:

* hunters may be 2-3 in number comprising two young strong and agile men to hunt, slaughter, extract and transport the trophy, and a third being older with possible military background to provide security. They are paid between 0.3-0.5 million Meticals each for a trophy upon a successful hunt;
* supplier who provides material support to the hunters and pays them upon delivery of a trophy;
* buyer who exports to non-citizen players and gets rewarded about 20 million Meticals depending on the size of the trophy.

The TWOC complexity of involving foreign nationals was illustrated. The foreigner would ensconce himself within a rural community and incentivise his hosts by renting a room. This would provide a base for his operation among unsuspecting community. Once released by the authorities, they would leave the country without a trace

**Challenges**

1. The law enforcement effort of Mozambique was only catching hunters because there was not enough follow-up or monitoring or questioning of hunters to reveal of suppliers and buyers.
2. It is difficult to recover property lost in transnational wildlife crimes despite the existence of relevant regulations in Mozambique.
3. It takes time for evidence to reach courts and some exhibits such as a skin will have has lost condition.
4. There is still a big market for wildlife and wildlife products.
5. Challenge in applying minimum sentences. Courts have a duty to apply the law but prescription of minimum sentence limits the discretion of the courts thus disrupt administration of justice. The dilemma is that the court may go down if the minimum sentence is not applied as prescribed by law.

**Opportunities**

1. Improve cooperation between neighbouring states to combat poaching and transnational crime through bilateral agreements.
2. Improve communication with civil society, especially on positive aspects related to wildlife conservation.

# **Establishment of SADC Working group on TWOC**

The delegates of the Seminar demonstrated commitment to cooperation by establishing the SADC Judicial Working Group on Transnational Wildlife Organized Crime (JWG-TWOC). Terms of References were adopted as presented in Annexure I. Furthermore, each of the participating country delegations nominated a member of the JWG-TWOG amongst them, subject to confirmation by their respective Chief Justices no later than the 27 September 2019. The seminar gave SAJEI the mandate of providing secretariat services to the Working Group.

1. **Action Plan on TWOC**

The seminar delegates agreed to seek pragmatic strategies and to solicit cooperation among SADC member countries in order to combat TWOC in the region. They agreed to the Action plan below to enable the judiciary of the region to participate and collaborate in planning, developing strategies, sharing information and best practice in dealing with TWOC. To this end, the *Plan of Action on Strengthening Capacity within the SADC Judiciary on Transnational Wildlife Organized Crime*was adopted as presented in Annexure II.

1. **Game Drive – Mokolodi Game Reserve**

Participants went on a Game Drive at Mokolodi Nature Game Reserve as per the Agenda forming Annexure III as per the Agenda forming Annexure III. The excursion was scheduled to place all participants in the proper mindset to appreciate the objectives of the Seminar.

# **Conclusion**

The prevailing loss of wildlife populations requires a comprehensive and coordinated response by both the law enforcement agencies and the judiciaries in order to effectively curb TWOC. It was therefore critical for the SADC region to raise awareness and educate its judicial officers to understand the value of wildlife resources at stake as well as the complexity and sophistication of associated trade and TWOC. In the endeavor to uphold good governance, it is that the judiciary is able to link potential detrimental impact of TWOC to the livelihood of communities, the national economy and political stability of their countries. The Seminar of judicial officers of SADC heeded this clarion call by producing a plan of action and forming a working group.

The Seminar objectives were met. All that remains is for the plan to be implemented, monitored and evaluated for progress and achievement of objectives. The latter will ensure that a momentum is maintained for implementation of the plan, and that progress and performance are monitored, reported and evaluated.

# **Recommendations**

1. **Training**
   1. Training of judicial officers, prosecutors and law enforcement officers as a strategic priority to combat TWOC.
   2. Assess existing training institutions that address TWOC for suitability as regional training centres. This includes institutions in Tanzania and RSA.
   3. Strengthen the existing curriculum and programmes, and where necessary, develop additional ones to address TWOC in a comprehensive and holistic manner, and enable specialization.
   4. Identify and create a database of experts on TWOC in the region and beyond, and bring them to run programs in the regional training centres or respective countries as is cost-effective.
2. **Means of Implementation / Funding**
   1. Consider modalities for establishing a Trust Fund for TWOC – related training.
   2. Engage the USAID/VukaNow initiative in the immediate term for partnership and support in training of judiciary officers, prosecutors and law enforcement at regional level.
   3. Leverage on this opportunity to further explore funding and other means of implementation for a robust response to the challenges of TWOC.
   4. Mobilise funding to enable training of judicial officers, (magistrates and judges); and training of prosecutors and law enforcement officers who collect evidence to strengthen prosecution of TWOC cases.
3. **Strengthen Cooperation**
   1. Strengthen SADC inter-state cooperation to improve cooperation between neighbouring states in combatting poaching and transnational crime through bilateral agreements.
   2. Harmonise laws within the SADC region without compromising local circumstances and associated politics and address legislation discordance.
   3. SADC to host a website for cases that are decided for use as reference material.
   4. Consider establishment of specialized wildlife crime courts / Wildlife Trade and Trafficking Courts with special trained officers, prosecutors, police and judicial officers
   5. Embark on holistic and comprehensive approach to combatting illegal wildlife trade at the regional level through, *inter alia,* partnerships with civil society to communicate positive aspects related to wildlife conservation especially to local communities. A holistic approach would include strategies to infuse conservation in the education system and those that address rural poverty as factors that affect wildlife crime.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Annexure I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**TERMS OF REFERENCE OF THE WORKING GROUP**

**(02 AUGUST 2019)**

* + 1. Establish a SADC network for Judicial officers on Transnational Wildlife Organized Crime.
    2. Develop a platform to facilitate exchange of best practices on Wildlife Organized Crime and benchmarking.
    3. Develop a database on Transnational Wildlife Organized Crime in the SADC region of cases, legislation and other relevant resources as a way of enhancing jurisprudence.
    4. Identify emerging issues that will inform training programs on Transnational Wildlife Organized Crime in the SADC region.
    5. Develop a Curriculum and Trainer’s guide on Transnational Wildlife Organized Crime.
    6. Facilitate participation of the SADC Heads of the Judicial Education Institutions and Training Committees in the project.
    7. Facilitate coordinated regional and local capacity building of Judicial officers on Transnational Wildlife Organized crime.
    8. Provide progress reports to the members of the SADC network.
    9. Develop an exchange program on Wildlife Organized crime for Judicial officers in the SADC region in order to facilitate capacity building.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Annexure II\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PLAN OF ACTION ON STRENGTHENING CAPACITY WITHIN THE SADC JUDICIARY ON TRANSNATIONAL WILDLIFE ORGANIZED CRIME**

**Delegates attending the SADC Judicial Seminar on Transnational Wildlife Organized Crime held in Gaborone, Botswana from the 01 to 02 August 2019 hereby agree to the following actions, subject to consultation with relevant authority in their respective countries**

1. To establish and participate in the SADC Judicial Working Group on Transnational Wildlife Organized Crime (JWG-TWOC).
2. To identify emerging issues on Transnational Wildlife Organized Crime of relevance to the judiciary and share information with other member countries.
3. To provide information to the Judicial Working Group database on Wildlife Organized Crime Case Law and related resources.
4. To conduct awareness raising activities as well as training and up-skilling on Transnational Wildlife Organized Crime.
5. To promote collaboration between Judicial Education Institutes and Judicial Training Committees in the SADC region.
6. To provide feedback to the Working group on a quarterly basis on the above mentioned proposed activities.
7. To establish a platform for the Judiciary to exchange best practices and issues relating to Transnational Wildlife Organized Crime.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Annexure III\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PROGRAM**

**SADC JUDICIAL SEMINAR ON TRANSNATIONAL WILDLIFE ORGANIZED CRIME**

**01 - 02 AUGUST 2019**

**VENUE: INTERNATIONAL CONVENTION CENTRE, GABORONE**

**The objectives of this seminar are:**

1. To share best practices and challenges on Transnational Wildlife Organized Crime in SADC.
2. To consider possibilities of creating a platform to facilitate sustainable communication amongst the Judiciary in SADC region on Transnational Wildlife Organized Crime.
3. To identify ways of strengthening capacity within the Judiciary on adjudicating Transnational Wildlife Organized Crime in the SADC region.

|  |  |  |
| --- | --- | --- |
| **31 JULY 2019**  **COCKTAIL RECEPTION** | | |
| **DAY ONE: 01 AUGUST 2019**  **PROGRAM DIRECTOR: MR M. TAOLO** | | |
| **TIME** | **TOPIC** | **RESOURCE PERSON/S** |
| 09h00 – 09h30 | Opening and Welcome | Hon Chief Justice of Botswana  Justice Terrence Rannowane |
| 9h30-10h00 | Keynote Address | Hon. Onkokame Kitso Mokaila  Minister of Environment, Natural Resources Conservation and Tourism |
| 10h00 – 10h15 | Message of support | Ms Deborah Kahatano  SADC |
| 10h15 – 10h45 | Nature and extent of Transnational Wildlife Organized Crime in the SADC region | Mr Steve Robert Johnson  Chief of Party, USAID VukaNow |
| 10h45 - 11h15 | Transnational Wildlife Organized Crime and Judicial Training | Hon. Justice Dr Paul Kihwelo  Principal, Institute of Judicial Administration  Tanzania |
| 11h15 – 11h30 | Questions & Comments | All |
| 11h30 – 11h45 | **TEA & PHOTOSHOOT** | |
| 11h45 – 12h45 | Adjudicating Transnational Wildlife Organized Crime offences and related crimes with a focus on:   * Overview of crimes linked to Wildlife Trafficking * Evidential aspects * Sentencing considerations and challenges | **Panel discussion**  **Botswana** : Hon. Justice L. Moroka  **Namibia:** Hon. Justice D. Isuku  **Eswatini:** Hon. Justice M. Dlamini  **Malawi:** Hon. Justice C. Kachale |
| 12h45 – 13h00 | Open discussions | Hon. Judge President E. Makgoba  (Lead discussant) |
| **13h00 – 14h00** | **LUNCH** | |
| 14h00 – 15h00 | Adjudicating Transnational Wildlife Organized Crime offences and related crimes with a focus on:   * Overview of crimes linked to Wildlife Trafficking * Evidential aspects * Sentencing considerations and challenges | **Panel discussion**  **Madagasca**r: Hon.Justice A. Ramarolahihaingonirainy  **South Africa**: Hon Judge President Mbenenge  **Tanzania**: Hon. Justice R. Ibrahim  **Mozambique**: Hon. Justice A. Samuel |
| 15h00 – 16h00 | Adjudicating Transnational Wildlife Organized Crime offences and related crimes with a focus on:   * Overview of crimes linked to Wildlife Trafficking * Evidential aspects * Sentencing considerations and challenges | **Zambia**:Hon. Justice W. Muma  **Angola**:Hon. Justice M. Nunes  **Lesotho**: Hon. Justice P. Banyane  **Mauritius**:Hon. Justice G. Manna  **Seychelles**: Hon. Justice C. Dodin |
| 16h00-16h15 | Open Discussion | Hon. Justice M. Motsididi  High Court of Botswana |
| 16h15 | Game Drive  Mokolodi Game Reserve | All |
| **BARBEQUE DINNER** | | |
| **DAY TWO: 02 AUGUST 2019** | | |
| 09h00 - 09h15 | Recap of Day 1 | Ms Kealeboga Moruti  SADC |
| 09h15-10h00 | Open discussions | Hon. Justice M. Lesetedi  High Court of Botswana |
| 10h00-11h00 | Monitoring of Killing Elephants process and Trends across Africa | Mr Adam Pires  TRAFFIC & KAZA TFCA  Mr Jacques du Toit  Department of Environmental Affairs, South Africa |
| 11h00-11h15 | Questions and Comments | All |
| 11h15-11h30 | **TEA** | |
| 11h30 – 12h30 | Effective judicial strategies of combating Transnational Wildlife Organized Crime in SADC region (Breakaway Groups) | **Lead discussant**  Hon. Justice Dr Paul Kihwelo  Principal, Institute of Judicial Administration  Tanzania |
| 12h30 – 13h15 | Plenary | Hon. Judge President E. Makgoba  Limpopo High Court Division  South Africa |
| **13h15-14h00** | **LUNCH** | |
| 14h00 – 14h30 | Establishment of SADC Working Group on Transnational Wildlife Organized Crime (Open discussion) | Hon Justice I. Lesetedi  High Court of Botswana |
| 14h30-15h00 | Action Plan on Wildlife Trafficking | Hon. Justice P. Kihwelo  Dr G. Moshoeu  CEO:SAJEI |
| 15h00 – 15h15 | Closing Remarks | Hon. Justice A. Tafa  High Court of Botswana |
| **15h15** | **DEPARTURE** | |