

2023

NATIONAL REPORT



Wildlife Protection and Law Enforcement



in Namibia

for the Year **2023**



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This report covers the period 1 January 2023 to 31 December 2023



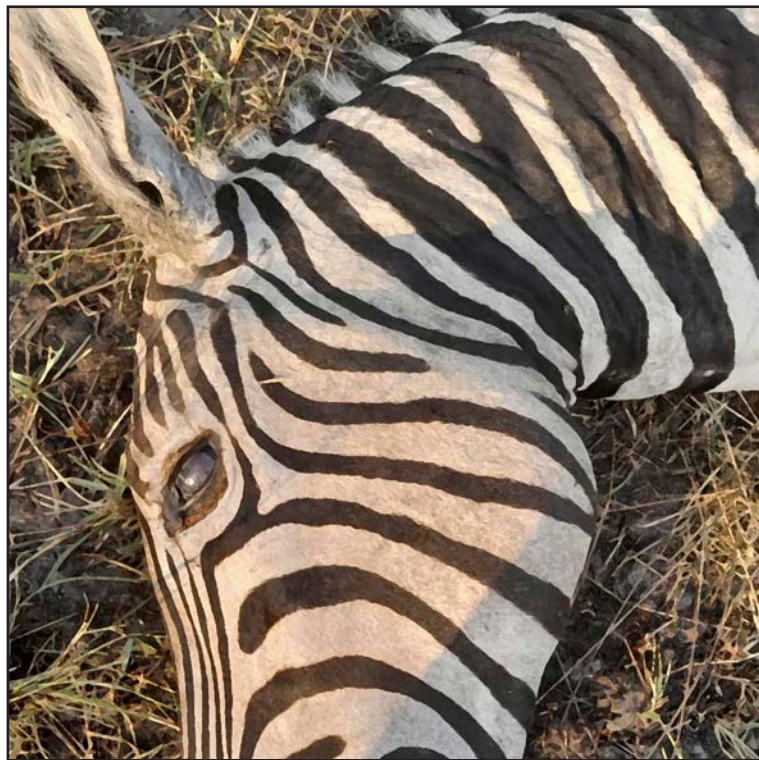
Criminals are members of the public –

when the public is vigilant and reports suspicious behaviour and openly condemns all crime, criminal activities become very difficult.

Crime becomes near impossible when good people from all sectors work together to fight it.

Report wildlife crime via sms at this number: 55 555

[all messages are strictly confidential]



Ministry
of Environment, Forestry and Tourism

Namibian
Police Force

Office
of the Prosecutor General



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I. INTRODUCTION

The year 2023 has continued to deliver diverse wildlife-crime challenges for Namibia, which the wildlife-protection and law-enforcement partnerships in our country – and far beyond its borders – continue to actively counter. Rather than diminishing, criminal activities related to wildlife and other natural resources continue to expand and escalate – despite concerted countermeasures. This is as true for Namibia, as it is at a global level.

Pangolin poaching and trafficking are once again on the rise in Namibia, after deterrent sentences, handed down by Special Courts dedicated to wildlife cases during 2022, had helped to suppress incidents to low levels. Pangolin protection represents an ongoing challenge – the drivers of local trafficking are not well understood and the dynamics of the national pangolin population remain poorly known.

The past year saw some of the most significant ivory seizures achieved in Namibia in recent years – with transnational investigations confirming that the elephants had been killed in neighbouring countries. Namibia has done well to keep elephant poaching at low levels for the past five years, with the anti-poaching presence of national security forces in elephant ranges acting as an effective deterrent. However, seizures of ivory originating from elephants killed in other countries remain high.

Rhino-poaching losses in Namibia were 29 per cent lower than those experienced in 2022. Yet this should not be celebrated as a victory – experience has shown that the onslaught will continue, and that rhino protection and law enforcement must remain vigilant, adaptive and unified. The commendable deterrent sentence delivered in a high-profile rhino-poaching case in 2022 was reduced considerably in 2023, based on a High Court appeal. This sends mixed messages to the public and undermines the massive, decades-long investments in rhino conservation, protection and law

enforcement by government, international partners, private sector and local communities.

Meat poaching remains a complex challenge requiring ongoing law enforcement. Yet this is one wildlife-crime sector that has its end markets almost entirely within Namibia. Countermeasures to the meat-poaching challenge should include addressing the underlying drivers of the trade (which includes subsistence poaching for survival), rather than hoping that the arrest of suspects is a long-term solution.

Illegal exploitation of indigenous Namibian plants is a threat of great concern, which appears to be expanding. Investigations have revealed that international syndicates are involved in the poaching of live plants, which are trafficked for online sale to ornamental-plant collectors. Countermeasures must include community involvement in protecting these and other valuable resources.


Particularly disconcerting are increasing illegal activities within Namibia's well-regulated sustainable-use sectors. Conservation hunting is considered to be a vital counterpart to tourism in our country. It enables measurable conservation outcomes, such as enhancing wildlife values, protecting wildlife habitats, mitigating human-wildlife conflicts and facilitating wildlife population management, as well as a range of economic and individual livelihood benefits for rural communities. Yet the high value of hunting trophies is tempting some operators into illicit activities, as well as approaches that hinder Namibia's conservation objectives. Transgressions are also being recorded in related sectors such as meat harvesting, game breeding, and taxidermy – and are being sternly dealt with.

A massive backlog of wildlife cases on the court rolls is currently amongst our biggest challenges – but this is being addressed through the development of a dedicated wildlife-crime court at Otjiwarongo, due to be inaugurated in mid-2024.


TEOFILUS NGHITILA
EXECUTIVE DIRECTOR: MINISTRY OF ENVIRONMENT,
FORESTRY AND TOURISM




JOSEPH S. SHIKONGO
INSPECTOR GENERAL: NAMIBIAN POLICE FORCE





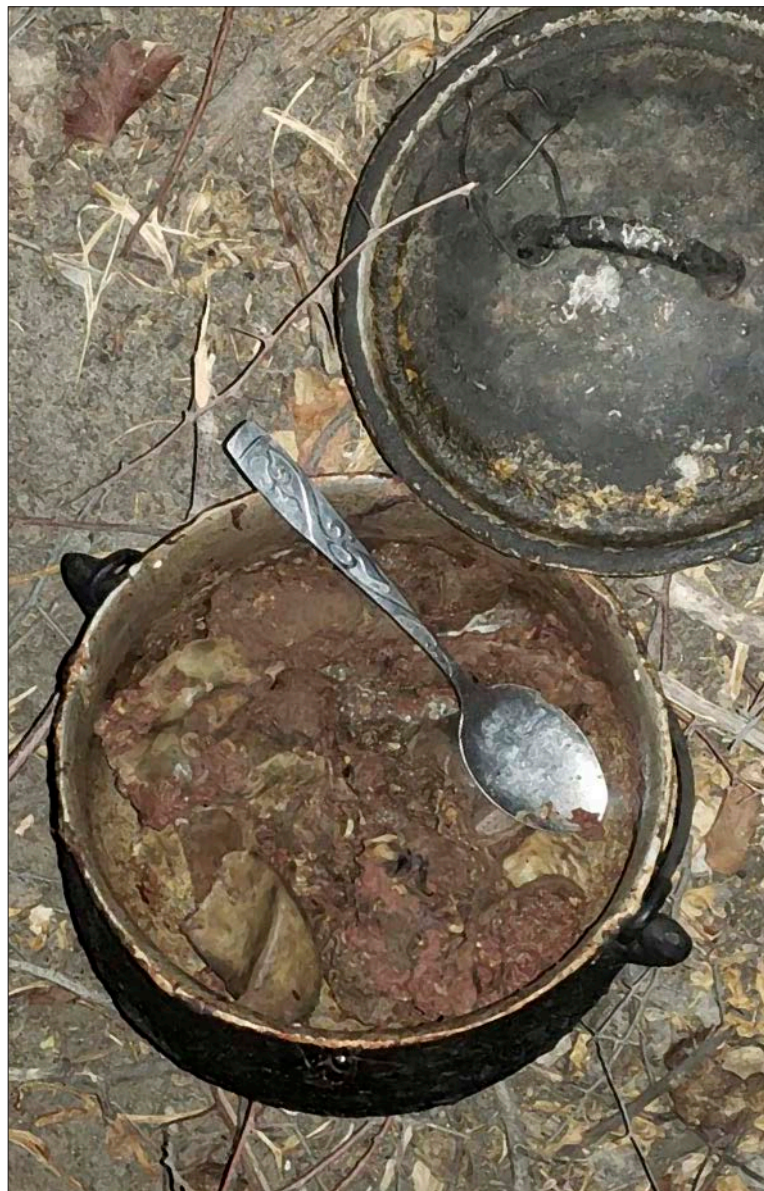
Namibia's strength lies in partnerships. We work together to achieve results. Namibian Partnerships against Environmental Crime continue to be strengthened, with three government agencies forming the integrated focal points of wildlife protection and law enforcement:

- The **Ministry of Environment, Forestry and Tourism** is the custodian of wildlife and other terrestrial natural resources, and has wildlife management and protection as a core mandate.
- The **Namibian Police Force** is mandated with maintaining law and order, including laws related to wildlife, and the investigation of offences related to those laws.
- The **Office of the Prosecutor General** is responsible for prosecuting suspects in the name of the state in criminal proceedings, including those related to wildlife crimes.

To counter the unprecedented threat of ongoing, highly organised poaching of high-value species, the **Namibian Defence Force** continues to play a unique role within its mandate of defending the state and its resources against threats.

Other government agencies are playing an increasingly active role in countering wildlife crime and bringing perpetrators to book. These include the Financial Intelligence Centre and the Namibia Revenue Agency. Wildlife crime is about gaining illegal income that is laundered into the legal economy – which the FIC is able to uncover. Through Customs, NamRA forms the last (or first) line of defence for illicit products leaving (or entering) Namibia. NamRA also ensures that due taxes are paid.

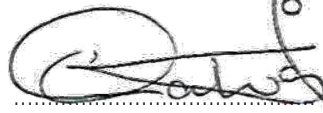
Numerous funding partners and other non-government entities are making vital contributions to protecting Namibia's natural resources and supporting law enforcement. While individuals can not be mentioned within the limits of this report, all contributions are gratefully acknowledged. The cumulative impacts of all these sectors and entities are elaborated on in this report.



Poaching for food by the poor is a complex challenge



Poaching remains a constant threat to Namibia's rhinos


OFFICE OF THE PROSECUTOR GENERAL
PROSECUTOR GENERAL
31 MAY 2016
PRIVATE BAG 13191
WINDHOEK
MINISTRY OF JUSTICE

Adv. OLYVIA M. IMALWA
PROSECUTOR GENERAL – REPUBLIC OF NAMIBIA



2. **WILDLIFE PROTECTION AND LAW ENFORCEMENT**
THE NUMBERS FOR 2023

389 wildlife-crime cases registered

654 suspects arrested

96 wildlife-crime court cases finalised

12 pangolin cases finalised

8 elephant cases finalised

4 plant cases finalised

4 rhino cases finalised

X rhinos saved through **39** pre-emptive arrests
in **12** conspiracy-to-poach-rhino cases

69
rhinos
poached

83 arrests in rhino cases



19 arrests in elephant's foot plant cases

326

elephant's foot plants poached

8

elephants poached

56 arrests in elephant cases
mostly for trafficking ivory that originated from outside Namibia

102 elephant tusks seized
mostly from elephants killed in other countries

Note:

- Namibia's rhinos are closely monitored and the carcasses of most poached rhinos are discovered.
- Due to their large size, the carcasses of poached elephants are usually also discovered, although a higher number may be overlooked here.
- Numbers of poached pangolins are based purely on seizures; it is believed that few pangolins are currently smuggled out of the country, yet this can't be verified.
- Numbers of poached elephant's foot plants (a protected endemic plant species) are based purely on seizures; it is not known how many plants may be being smuggled out of the country unnoticed.

70+*
pangolins poached

* 905 scales originating from at least 3 additional pangolins were also seized

106 arrests in pangolin cases



3. WILDLIFE PROTECTION AND LAW ENFORCEMENT STATUS SUMMARY FOR 2023

3.1 The year 2023

The year 2023 saw a strong resurgence of the tourism industry from the effects of the COVID-19 pandemic, as well as significant developments in other key economic sectors such as mining and energy production, with both positive and negative effects on wildlife protection and law enforcement in Namibia. The overall economic climate continued to be suppressed by global political events and developments, with high fuel and commodity prices impacting economically marginalised communities in Namibia most heavily.

3.2 Status of fundamental pillars

WILDLIFE CONSERVATION

Namibia's conservation systems and approaches are based on a strong legislative framework, and have proven successful over many years. Yet rapid development and shifting priorities continue to present challenges and expose vulnerabilities related to the conservation of indigenous biodiversity. Habitat fragmentation created by inappropriate land and resource use presents one of the biggest overall challenges, while illegal exploitation of resources has major detrimental effects at individual species levels. Rapid adaptation of systems and approaches is required to counter severe and irreversible impacts.

WILDLIFE PROTECTION

The emergence of new areas of criminal exploitation of Namibia's natural resources continues to highlight both the demand for – and the vulnerabilities of – our country's resources, as well as constraints in protecting them (see also individual species sections, below).

WILDLIFE LAW ENFORCEMENT

The year 2023 saw important reductions in most key indicators related to wildlife crime. From an overall peak in 2019, registered cases have dropped by nearly 30 per cent, while arrests have dropped by just over 40 per cent. Despite this reduction, the backlog of wildlife cases on the court rolls continues to increase. Arresting suspects is only one aspect of the criminal justice system. Prosecutions that result in equitable judgements and appropriate sentences represent the conclusion of criminal proceedings. The challenge of court-case backlogs, within a judiciary under severe strain from the high case loads of various other criminal sectors, is being

addressed through the development of a Permanent Wildlife Court and targeted Special Courts. Yet other initiatives that improve wildlife protection and reduce crime must also become more effective (see details throughout this report).

INTERSECTORAL COOPERATION

Close liaison and active collaboration between MEFT, NAMPOL, NDF, FIC, NamRA, ACC, OPG and other government and non-government entities continue to enable important gains in countering criminal activities. The Blue Rhino Task Team continues to represent the focal point for law-enforcement collaboration countering wildlife crimes, while numerous regional initiatives play a vital role.

3.3 Status of key species

ELEPHANT

Namibia's elephant population has been steadily increasing and expanding into former ranges over the past three decades, and is currently estimated at around 24,000 animals¹ in four partly interlinked sub-populations. The dynamics and vulnerabilities of the sub-populations vary. The population of the Kavango East and Zambezi regions is the largest, but exhibits seasonal transboundary movements and is currently the most susceptible to poaching impacts – in neighbouring countries and Namibia. The small, partly fragmented population of desert-adapted elephants in the Erongo–Kunene Community Conservation Area is the most vulnerable to diverse human-induced influences, including pressure from uncontrolled tourism. The presence of national security forces in elephant ranges continues to deter poaching. After a peak in poaching in 2016, losses have been curbed to low levels that are currently considered to have a negligible impact on the population, although it is important to ensure regular and accurate monitoring to assess population health. Tusk seizures in Namibia have exhibited another spike to near-record levels, after few seizures were recorded in 2022. Some of the largest seizures of 2023 were shown through collaborative transboundary investigations to originate from outside the country. Human–elephant conflicts continue to impact the population, with several elephants shot during the year by rural people protecting their livelihoods (see also pp. 52–59).



RHINOS

During 2023, recorded rhino-poaching incidents dropped slightly from those of 2022, although monitoring activities in early 2024 revealed that a substantial number of incidents had not been previously detected. Statistics for 2023, 2022 and 2021 had to be revised retroactively, based on the estimated date of death related to discovered carcasses (only updated figures are presented in this report). The revelations underline the difficulties of continually monitoring and protecting Namibia's vast rhino ranges. Clear vulnerabilities remain for all rhino sub-populations, as losses during 2023 were recorded in national parks, community conservation areas and private reserves. Rhinos are distributed across the country in numerous sub-populations of various sizes, with small, isolated populations most severely affected by poaching losses. The white rhino population, which was only re-established over the past half-century after local extinction in the 1800s, remains smaller than the black rhino population, and is more vulnerable to impacts. At a combined total of around 3,600 animals², the national populations of both species currently remain viable, though ongoing poaching pressure is having an increasing impact (see also pp. 60–69).

PANGOLIN

Pangolin seizures once again increased sharply during 2023, after a significant drop during 2022 (attributed in part to deterrent sentences of Special Courts held during that year). Protection of these secretive small animals in the wild is challenging, especially as there are currently no protected areas prioritising the safeguarding of this species in Namibia. Improved release protocols and monitoring of animals seized from traffickers is increasing post-release survival rates³. While the ratio of live seizures is not as high as at the 2019 peak, saving as many animals as possible while returning them to the wild remains a priority (see also pp. 46–51).

MEAT-POACHING TARGETS

Poaching of wildlife for meat (defined in the data of this report as giraffe, buffalo, zebras, antelopes and warthog, although other species are also poached for meat) accounted for around 37 per cent of all registered wildlife-crime cases in 2023. This is a steady reduction from around 45 per cent in previous years, although it is believed that this sector is under-reported, as many cases provide insufficient evidence to identify suspects. While most historically occurring wildlife in Namibia is still present in healthy populations in suitable habitat in some parts of the country, human

influences including poaching are increasingly impacting the population health of individual species, as well as overall biodiversity health (see also pp. 40–45).

PLANTS

The trafficking of live plants, particularly rare and endemic succulents and pachycauls, has become a massive threat to these plant groups. Large volumes of live plants continue to be seized, and numerous suspects continue to be arrested. Namibian flora is clearly becoming increasingly popular in the ornamental-plant trade, driven by online marketing. The impact on localised endemics is severe, and requires urgent countermeasures at field level. Namibia's timber resources continue to be illegally exploited through illicit harvests by local operators, as well as incursions from neighbouring countries. Illegal harvesting of wood for the charcoal and firewood industries represents further challenges. The impacts on Namibia's limited timber and non-timber forest resources are far-reaching and long-lasting (see also pp. 70–75).

OTHER SPECIES

Wildlife criminals are targeting all species of indigenous fauna and flora that may make money, or in subsistence-poaching cases, provide food to eat. The protection of all of Namibia's indigenous biodiversity against crime and other human impacts is becoming increasingly challenging (see also p. 76).



Criminals may target any species that might make money; seized skins of caracal (top) and serval (bottom)



4. KEY CHARACTERISTICS, ACTIVITIES AND EVENTS SUMMARY FOR 2023

4.1 Characteristics of the year

REGISTERED CASES, ARRESTS AND SEIZURES

Registered wildlife-crime cases and arrests were lower than those recorded during 2022 for most categories. The overall number of registered cases has decreased by 12 per cent, while arrests have decreased by 8 per cent. The number of registered cases related to high-value species has increased by 3 per cent, with a sharp increase in pangolin-trafficking cases, of 67 per cent, making the most significant difference. Cases related to high-value species made up close to 47 per cent of all registered cases.

The number of rhinos known to have been poached in Namibia during 2023 decreased by 29 per cent from 2022. The number of rhino horns seized by law enforcement increased threefold, but remains comparatively low – 15 horns were recovered while 69 rhinos were poached (positive DNA matching of carcasses and horns takes time). The 39 pre-emptive arrests achieved in 12 cases during 2023 (out of a total of 83 rhino-related arrests in 90 cases) again saved rhinos. Rhino syndicates are clearly persisting in targeting Namibia, but criminals continue to run the gauntlet – many perpetrators are caught before they can kill a rhino, numerous others are arrested after the fact.

The number of elephant known to have been poached doubled again from 2022, but remains low at 8 animals. Seizures of ivory increased by 86 per cent, and included particularly large ivory (the number of registered cases related to elephant was actually slightly lower than in 2022). Collaborative transboundary investigations showed that several large seizures (more than 10 tusks each) originated from elephants poached in neighbouring countries.

Pangolin seizures showed a similarly dramatic increase from 40 to 70 animals (75 per cent), which was also reflected in the number of cases related to pangolin being registered.

Registered meat-poaching cases dropped by 29 per cent over the past year, while arrests related to meat poaching dropped by 28 per cent. Meat-poaching cases made up 37 per cent of all cases registered in 2022. Anecdotal evidence seems to indicate that there is a substantial degree of under-reporting in this sector, as scene-of-crime evidence is often extremely limited, particularly in cases involving organised commercial poaching¹.

FINALISED CASES AND SENTENCES

Finalisation of wildlife cases remains one of the most pressing challenges in relation to wildlife protection and law enforcement in Namibia. Temporary Special Courts held during 2022, dealing only with wildlife cases, decreased the annual ratio of registered to finalised court cases significantly to 1.47 to 1 (364 court cases registered, 247 finalised). The year 2023 again saw a much larger gap, with 3.28 times as many court cases registered as finalised (315 court cases registered, 96 finalised). This is slightly lower than the ratio in 2019, the peak of court cases registered, when the ratio stood at 3.54 to 1. Importantly, these ratios do not include cases in which a rhino carcass was discovered, but no court case was initiated, as no suspects are known. Including those cases changes the 2023 ratio to 4.05 to 1, making it the worst ratio recorded over the past 5 years (389 cases registered, 96 finalised). During 2023, the total number of suspects arrested was 654, while the total number of individual's cases finalised was 200, a ratio of 3.27 to 1.

The backlog of cases is still increasing each year, although by fewer cases than four years ago, simply because less cases are being registered, not because the courts have become much more efficient at case finalisation. The development of a Permanent Wildlife Court in Namibia, scheduled to become operational during 2024, is an important measure to address the low rate of case finalisation, as are further Special Courts.

The time needed to finalise cases dealing with different species continues to vary substantially. Rhino cases are cause for particular concern: Since 2015, a total of 225 rhino cases have been registered, but only 26 of these (11.6 per cent) had been finalised with convictions at the end of 2023. The current legal status of individual suspects arrested since 2015 is even more concerning: Of the 771 suspects arrested between 2015 and 2023, only 56 (7.3 per cent) have been convicted to date. Clearly, effective finalisation of rhino cases is a challenge with various causes, including congested court rolls, regular postponements, need for further investigations and forensic evidence, and absconding of suspects on bail (see also p. 39). Improvements are a priority, as rhinos are the most-targeted high-value wildlife in Namibia.

These challenges have been compounded by a significant reduction of the sentence delivered in the most high-profile rhino-poaching case finalised in



*Seizure of foreign currency
as part of a case of
live-plant trafficking,
Kunene Region,
November 2023.*



High global demand for Namibia's valuable natural resources, combined with the allure of quick cash, fuel commercial poaching and trafficking, and other illegal resource exploitation in this country. Illicit subsistence poaching for food adds an additional layer of complexity.

Namibia since 2015. The original sentence, pronounced in 2022, was hailed as a success for rhino protection and law enforcement, as it recognised the seriousness of the case, the privileged circumstances of the accused, and the interests of society, as well as the revised legislation regarding maximum penalties. Yet an appeal against the sentence, heard in the High Court during 2023, while confirming the guilty verdict on all charges, resulted in a substantial reduction of all sentences to below the pre-2017 maximum penalties (see also pp. 20–21).

Variability of sentences generally remains an issue of concern. Average sentences for pangolin and ivory trafficking have decreased from peaks observed in 2022, with the peaks influenced in part by the Special Courts held that year. Rhino poaching saw the highest sentences since 2015 delivered during 2023, while a conspiracy-to-poach-rhino case delivered very low sentences (see details pp. 16–17).

4.2 Activities

WILDLIFE CONSERVATION

Human–wildlife conflict

Human–wildlife conflict continues to present a significant conservation challenge in Namibia. Convergence between human–wildlife conflict and wildlife crime may occur at several levels¹. Preventative or retaliatory killings of conflict animals are regularly carried out and may contravene against wildlife legislation. Human–wildlife conflict-mitigation measures are thus a priority for conservation initiatives in Namibia, while wildlife protection and law-enforcement activities must recognise the complexity of the issues and ensure a judicious approach.

Species management

Management interventions for priority species that are rare and vulnerable to human impacts, have specific habitat preferences or other special conservation needs, continue to be carried out. This includes research into species threats and needs, and the formulation of species management plans. Resultant actions from management plans include translocations, range expansion, protective measures and other activities.

WILDLIFE PROTECTION

Anti-poaching

Deficiencies in the protection of high-value species in Namibia's vast landscapes continue to be exposed. Rhino protection across all of the country's rhino ranges is extremely challenging. While protection

and other crime-prevention measures are being intensified, the costs involved are undermining the ability to conserve the animals. Rhino dehorning continues to be carried out at great cost to reduce the incentive for poaching, with 2023 seeing the largest number of rhinos ever dehorned in Namibia in one year (487 animals). The protection of rare and endemic plants against poachers trafficking these to supply international demand for ornamental plants has been identified as another priority area that is particularly challenging.

WILDLIFE LAW ENFORCEMENT

Investigations and prosecutions

The primary focus of this report is to provide comprehensive data and interpretive information on investigations, arrests, seizures and prosecutions, as well as other pertinent aspects of countering wildlife crime. The Integrated Database of Wildlife Crime in Namibia (see pp. 84–85) enables the presentation of detailed data, which is used to improve public understanding of the complexities and challenges of law enforcement, and successes achieved in countering crime. Detailed results of various law-enforcement interventions are presented throughout this report.

INTERAGENCY COLLABORATION

Strengthening of collaboration between the MEFT, NAMPOL, NDF, Office of the PG, FIC, NamRA, Namport, NGOs and other key partners is ongoing, and consolidated through funding agency support. Regional MEFT–WPSD, NAMPOL–PRSD and Stocktheft Units, NDF and OPG units responsible for wildlife protection and law enforcement play a particularly important role in ensuring that countermeasures are effective right across the country.

CAPACITY BUILDING

Appropriate capacities for conservation, wildlife-protection and law-enforcement agencies to carry out their mandated duties are a vital component of effective interventions. A range of capacity-building interventions were carried out during 2023 in the following areas:

Tools, technologies and equipment

Latest technologies and equipment, combined with a range of modern and traditional tools, continue to be used to facilitate detecting and countering wildlife crime in Namibia. Diverse technical support for central and regional offices is enabling improved interventions by law-enforcement personnel. The availability of vehicles, digital technologies and tactical gear remain central to proactive law enforcement throughout the country.



Training

Training events related to various aspects of wildlife protection and law enforcement were held during 2023, including:

Wildlife Protection

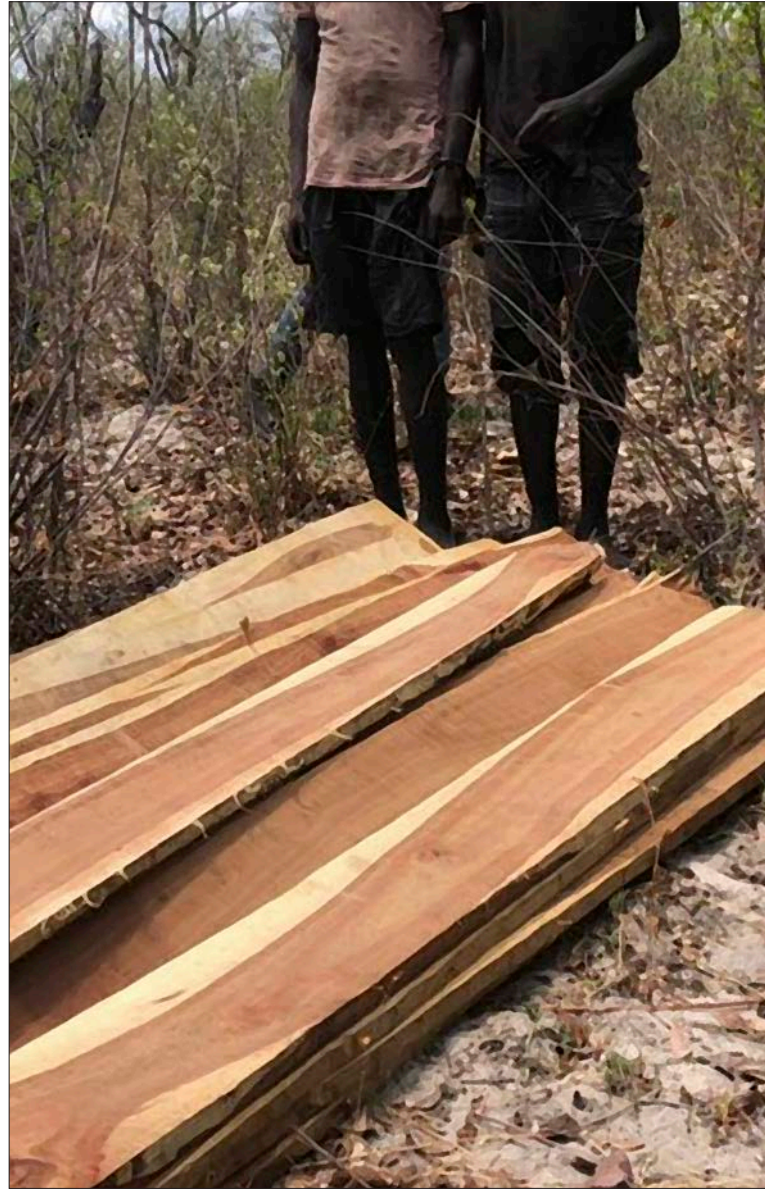
- Regular induction training of MEFT, NAMPOL, NDF personnel deployed in APU capacity [all personnel]

Investigations and prosecutions

- Data analysis & software trainings, including training of analysts in USA
- Wildlife-crime problem solving training in Kenya, attended by personnel from Namibia, Democratic Republic of Congo, Mozambique, Republic of Congo (Brazzaville), and Zambia
- Financial investigations and anti-money-laundering trainings, including Royal United Services Institute for Defence and Security Studies (United Kingdom) workshop in Windhoek for BRTT, NAMPOL, MEFT, FIC, NamRA, PG-ECU personnel
- Wildlife Trafficking and Model Law – Executive Policy and Development Symposium on Transnational Crime at the International Law Enforcement Academy in Roswell, New Mexico, attended by personnel from Namibia, Botswana, Democratic Republic of Congo, Niger, South Africa and Zambia
- Awareness training on protected plants for regional personnel of MEFT, NAMPOL, MHAISS, NamRA and MoHSS.

Information materials

Relevant, up-to-date information underpins sound wildlife protection and law enforcement. A variety of information materials were produced and distributed during the year.



Illicit timber harvesting in the northeast remains prevalent

BI. The seriousness of wildlife crime – ongoing escalation and convergence

Namibia's natural resources – and law-enforcement and other initiatives to protect them – are being overwhelmed by an unprecedented wave of crime. MEFT and NAMPOL capacities for wildlife protection and law enforcement are constantly and severely strained, the courts are burdened with an increasing backlog of cases, and the natural resources are being severely battered.

From a seeming primary focus on rhinos, elephants and pangolins, criminal exploitation has broadened to affect – and in many scenarios seriously harm – the entire spectrum of fauna and flora. This rapid expansion and convergence of crimes related to natural resources is being experienced in many parts of the world¹. Worldwide exploitation makes local protection even more important – Namibia is one of the last strongholds

for a number of threatened species, including black rhino, cheetah and elephant. In the case of endemic organisms Namibia is the only place on Earth where these are found, elevating the need for effective protection. Our endemic reptiles and plants are particularly threatened.

Investigations are showing that criminals are often active in various sectors across the spectrum of wildlife crimes (i.e. targeting all valuable plants and animals) and beyond it. Convergence with mineral and drug smuggling, and other organised crimes, is being recorded.

There is an urgent need to secure more resources to ensure effective protection and law enforcement. As important is effective inter-agency collaboration to counter all criminal activity, which must culminate in appropriate penalties for perpetrators.



4.3 Events

INTERNATIONAL EVENTS AND EXCHANGES

Global/Regional

EarthRanger User Conference

The EarthRanger User Conference is an annual event that brings together conservationists, users, and tech developers to discuss the use of smart conservation technologies and innovation to save and protect endangered species, and enhance anti-poaching efforts. The 2023 event was held in Cape Town, South Africa, under the theme of advancing conservation technology and seamless integration. The event attracted collaborations from SMART Partnerships and yielded significant successes involving 484 attendees from various organisations across 6 continents, representing 44 different countries, and including over 200 speakers. The event was attended by Namibian personnel.

ESAAMLG Council Of Ministers Meeting

The Eastern and Southern African Anti-Money-Laundering Group held its 23 Council of Ministers Meeting in Kasane, Botswana, which coincided with the 6th Sub-Saharan Africa AML/CFT Public/Private Sector Dialogue (PPSD). The meeting was attended by more than 500 delegates from member states, and international organisations from Europe and USA, while additional international organisations and officials joined via virtual platforms. The programme included:

- ESAAMLG Task Force plenary meeting
- Mutual Evaluation and Working Group meetings on Evaluation and Compliance Group
- high-level discussions on issues affecting member states
- ESAAMLG Council Meeting
- Public/Private Sector Dialogue
 - detecting and preventing illicit financial flows associated with illegal wildlife trade
 - importance of dialogue, information sharing and international cooperation to combat ML/FT linked to IWT and recover related illicit proceeds
 - role of the financial institution in detecting suspicious activity related to IWT
 - challenges related to investigating and prosecuting, seizing, freezing, confiscation, and management of illicit proceeds related to IWT
 - need for LEAs to be able to pursue investigations related to IWT.

Namibia gave several presentations and active contributions in panel discussions. Namibia's approach to wildlife crime investigations, through multi-agency and NGO collaboration, with its success stories and identified challenges, is receiving well-deserved recognition on several levels of the international wildlife sphere.

Southern Africa

Workshop on countering wildlife crime, South Africa

A workshop with the title 'Inter-Agency Cooperation Investigating and Prosecuting Wildlife Crime and Corruption' was held in South Africa, and was attended by personnel from Namibia, Malawi and Mozambique, as well as international wildlife-crime experts. Aims included improving inter-agency cooperation amongst South African agencies mandated with tackling wildlife crime, by learning from and sharing with other countries in the region that have been undertaking groundbreaking work in this regard. The workshop was part of Kruger National Park's Integrity Management Plan which aims to reduce corruption in ranger services and build resilience to corruption over the longer term. A key output is a draft strategic plan for strengthening anti-corruption investigations and supporting prosecutions.

Namibia

The Office of the Prosecutor General held a five day conference in Swakopmund to discuss national prosecution issues and related law enforcement and judicial matters, including prosecution of wildlife crime.



Namibian personnel engages in numerous international events and exchanges





The Office of the PG continues to emphasise the seriousness of wildlife crime; a five-day conference on the effectiveness and efficiency of criminal prosecutions included sessions dedicated to wildlife crime; the conference was attended by the Prosecutor General, the Attorney General, the Inspector General and the Acting Chief Magistrate of the Judiciary of Namibia

B2. The power of revised POCA legislation

The Prevention of Organised Crime Act (POCA) has been equipped with new provisions for dealing with money laundering or unexplained wealth. These include:

Section 6A

- When dealing with money laundering, the State does not need to prove that a person committed a predicate offence; the mere inability of a person to prove that money is from a legitimate source is sufficient to seize such proceeds. This new provision has empowered law enforcement officers to strengthen financial investigations.

Section 50A

- In the past, the State was limited to seizing assets directly linked to the committed crime. That approach has now been broadened, whereby the

Prosecutor General may apply to the High Court for an unexplained wealth order to declare any other property belonging to the suspect(s) as unexplained asset(s).

The burden of proof has been shifted to the suspect(s) to demonstrate the legitimacy of the asset(s) in question. This provision will have a broad positive impact, as the State has much broader powers when pursuing assets obtained from unlawful proceeds.



5. KEY SECTORS AND NOTEWORTHY CASES SUMMARY FOR 2023

5.1 Investigations and arrests

RAPID RESPONSE CAPABILITIES

Pre-emptive arrests of poaching gangs targeting rhinos, and rapid follow-up action to arrest poachers who have managed to kill animals, continue to be vital aspects of Namibian law enforcement in the fight against rhino poaching and other wildlife crimes. Pre-emptive investigations in conspiracy-to-poach-rhino cases resulted in 39 arrests during 2023, while follow-up investigations related to rhino poaching led to 44 arrests. Most other wildlife cases are based only on follow-up investigations after a poaching incident, or on information related to trafficking of wildlife products. Flexible external funding and technical support channelled directly to the law-enforcement operations of the mandated government agencies enable this capability. Despite this, rhino poaching remains a central challenge, and rhinos were again the most-targeted wildlife in Namibia during 2023. The onslaught of rhino poaching, and the challenge of protecting rhinos against it, remain unrelenting – unless market demand can be significantly curtailed. The past decade has highlighted that law enforcement alone will not solve wildlife crime, and that other initiatives to protect wildlife and reduce crime are needed.

PRE-EMPTIVE ARRESTS

During 2023, 12 pre-emptive cases resulted in 39 arrests of suspects conspiring to poach rhinos, but where the would-be poachers had not managed to kill a rhino yet. These are vital interventions that reduce rhino losses, while still dismantling poaching gangs. Rhino ranges in different parts of Namibia continue to be targeted, with Etosha National Park and a number of private reserves being the focus of poachers' attention. Arrested suspects are prosecuted on charges of conspiracy to poach rhinos, illegal possession of firearms, illegal entry into protected areas, and other transgressions. Namibian legislation categorises the conspiracy to commit a crime with the same degree of seriousness as actually committing the crime. Courts dealing with rhino-conspiracy cases need to be sensitised about the potential losses that are averted through pre-emptive arrests, as well as the relevant sentencing provisions in the legislation. Pre-emptive arrests are rarely possible related to a conspiracy to poach other species.

ARRESTS IN OLD CASES

Suspects continue to be arrested in old cases, as investigations remain ongoing in all open cases. During the year, a total of 9 suspects were arrested in relation to 7 cases registered prior to 2023. These involved the arrest of 8 suspect in 6 rhino cases registered in 2022, and 1 arrest in a case involving a leopard, registered in 2021. These arrests highlight that criminal offences are not forgotten and that the law will catch up to perpetrators.

ARRESTS OF INSIDERS

The people entrusted with protecting valuable wildlife and other resources at times become involved in poaching or trafficking such resources. Insiders regularly provide vital information to syndicates about poaching targets and wildlife-protection measures, or assist in smuggling contraband through check points. Insider involvement and collusion is an unfortunate reality of criminal activity all over the world¹, and the success of crimes often depends on such abettance. The use of positions of privilege for personal gain is generally highest in countries with high levels of corruption and involvement of state actors in crime². Numerous insiders have been arrested in Namibia, also during 2023, giving a clear message that collusion will not be tolerated. Training, background checks and surveillance add another layer of security to reduce the risks of insider involvement in wildlife crime.

SEIZURE OF VEHICLES AND FIREARMS

Vehicle and firearm seizures are an important component of wildlife-crime law enforcement. Vehicles used to carry out crimes are regularly forfeited to the state as part of a guilty verdict. The loss of an expensive vehicle represents a significant further penalty in addition to fines and prison terms, and thus acts as a crucial crime deterrent. Seized firearms form part of vital evidence presented in poaching cases, such as proving criminal intent, or enabling forensic investigations and ballistic matches with evidence retrieved from carcasses. The removal of illegal firearms from circulation amongst the criminal sector is another important aspect. During 2023, 51 vehicles and 69 firearms were seized.



Massive investments in rhino conservation, protection and law enforcement continue to save many rhinos, yet the poaching onslaught continues unabated. While Namibia can do little to influence market demand, more diverse and effective countermeasures must include appropriate deterrent sentences (including stern punishment of repeat offenders), as well as initiatives that reduce involvement in crime.

Namibia's vast rhino ranges make rhino protection and law enforcement extremely difficult and expensive



5.2 Prosecution and sentencing

DIVERSE SENTENCES

During 2023, the court cases of 200 individual suspects were concluded, resulting in 174 convictions (87% conviction rate). Of these, 117 cases with 102 convictions were related to meat poaching (87% conviction rate), while 48 cases with 42 convictions were related to high-value species (88% conviction rate). Some noteworthy sentences delivered as part of these cases are described below.

High degree of variability in rhino cases

The stark contrast in sentences between cases of rhino poaching and a case of intent-to-poach-rhino delivered during 2023 (see details below) highlights the current mismatch of approaches, priorities and perceived seriousness between law enforcement and the courts. Law enforcement places great emphasis on proactive crime prevention that saves the lives of targeted rhinos through pre-emptive arrests of poaching gangs. The courts should equally be enlightened about the seriousness of these contraventions. Repeat offenders are very common amongst arrested rhino poachers, underlining the need for stiffer sentencing with a deterrent effect (see also pp. 79–84). Various legislation, including the Prevention of Organised Crime Act (POCA), clearly recognises ‘any conspiracy, incitement or attempt to commit any offence’¹ as a crime, which should be treated with the same degree of seriousness as when the offence is actually committed.

Court case Gobabis 1181/2019

One of the most notable sentences of the year was delivered in a rhino-poaching case. The suspects were arrested in December 2016 for poaching white rhinos at a private reserve in the Gobabis District. Two rhinos (a bull and a pregnant cow) were killed and their horns removed. Two more rhinos were wounded; only one survived. One of the suspects, Dr Gerson Uakaerera Kandjii, was a well-known former medic of Namibia’s national football team, who at the time of arrest had two pending criminal cases, one related to rhino poaching in Etosha, the other to a robbery involving murder in southern Namibia. Kandjii passed away before the trial was completed. His co-accused were sentenced in October 2023. The sentences were ordered to run consecutively, as the magistrate noted that ‘the gravity of the crimes outweighs the personal circumstances of the accused, which calls for a robust sentence’. The judgement took into consideration that all accused had

spent at least 6 years and 7 months in custody awaiting trial and sentencing. The convicts were given no option of paying a fine, as this would only ‘show society that it is permissible to hunt specially protected species and once convicted, and you have money you can buy your freedom back’².

- 4 Namibian suspects
 - arrested on 24 Dec 2016
 - found guilty on 4 Oct 2023
 - 2,475 days between arrest and verdict
- Charges:
 1. Poaching of specially protected game – rhino
 2. Theft of rhino horn
 3. Trespassing
- Sentences (all suspects):
 1. 180 months imprisonment;
60 months suspended for 5 years
 2. 72 months imprisonment;
36 months suspended for 5 years
 3. 12 months imprisonment;
6 months suspended for 5 years(all sentences are ordered to run consecutively).

Court case Otiwarongo 1603/2018

In another important rhino case concluded during the year, seven perpetrators received stern deterrent sentences for rhino poaching and trafficking of rhino horn, as well as illegal possession of firearms and ammunition. The suspects were arrested in 2017 and are members of a notorious poaching gang from the Kunene Region in northwestern Namibia. The finalisation of their case, with each receiving a ten-year prison term, is a vital achievement in rhino prosecutions, which have been identified as a central challenge in countering rhino crimes (individual sentences add up to 15.5 years, but are ordered to run concurrently).

- 7 Namibian suspects
 - arrested on 10 Aug 2017
 - found guilty on 24 Mar 2023
 - 2,052 days between arrest and verdict
- Charges:
 1. Poaching of specially protected game – rhino
 2. Illegal possession of rhino horn
 3. Illegal possession of firearm
 4. Illegal possession of ammunition
- Sentences (all suspects):
 1. 120 months imprisonment
 2. 36 months imprisonment
 3. 24 months imprisonment
 4. 6 months imprisonment(all sentences are ordered to run concurrently).



Court case Otavi 486/2022

The sentence passed in a conspiracy-to-poach-rhino case during 2023 is noteworthy, as it shows the need for further sensitisation of the judiciary. Excellent investigative work had led to the arrest of two suspects planning to poach rhino in Etosha National Park over Christmas (when security was deemed lowest). Two additional suspects had been able to flee the scene, but were arrested three days later together with two further suspects identified as accomplices. The accomplices did not appear in court as part of the case. While it is commendable that the case was finalised in just over one month, the punishment did not meet the crime. Further sensitisation of the judiciary to the complexity and seriousness of rhino crimes, and the related importance of pre-emptive arrests, is needed.

- 4 Namibian suspects
 - arrested on 24 & 27 Dec 2022
 - sentenced on 17 Mar 2023
 - 83/80 days between arrest and verdict
- Charges:
 1. conspiracy to poach specially protected game – rhino
 2. illegal possession of firearm and ammunition
- Sentence:
 - Accused 1 & 3:
 1. N\$ 1,000 or 6 months imprisonment
 2. N\$ 3,000 or 24 months imprisonment
 - Accused 2:
 1. N\$ 1,000 or 4 months imprisonment
 2. charge withdrawn
 - Accused 4:
 1. N\$ 2,000 or 12 months imprisonment
 2. N\$ 1,000 or 6 months imprisonment.

Loosing vehicles for meat poaching

Vehicles used in the commission of crimes are regularly seized during investigations, and as part of guilty verdicts are often forfeited to the state. This creates a significant additional deterrence to the sentences imposed by the courts. The deterrence factor is particularly strong when criminals target resources that offer comparatively low returns. A number of cases of meat poaching finalised during 2023 resulted in the expensive vehicles of perpetrators being seized and later forfeited to the state. Such forfeiture is particularly relevant to organised meat-poaching cases, in which vehicles (usually well-equipped four-wheel-drives) play a central role in locating, enabling the shooting of, and transporting the poached animals.

Court case Ondangwa CR 93/08/2020

- 3 Namibian suspects
 - arrested on 12 August 2020
 - found guilty on 21 September 2023
 - 1,135 days between arrest and verdict
- Charge (all suspects):
 - poaching of huntable game – 6 springbok
- Sentence:
 - N\$ 10,000 or 24 months imprisonment
- Items forfeited to the state:
 - Toyota Land Cruiser
 - shotgun, rifle with telescope.

Rapid conclusion of court cases

While the courts are often criticised for slow rates of case finalisation, a number of cases completed during 2023 were concluded in a matter of days after the arrest of the suspects. Some of these court cases also resulted in stern deterrent sentences (including forfeiture of expensive vehicles, as described above), showing how effective the Namibian judicial system can be.

Court case Katima Mulilo CR 79/08/2023

- 2 Namibian suspects
 - arrested on 12 August 2023
 - found guilty on 15 August 2023
 - 3 days between arrest and verdict
- Charge:
 - Poaching of protected game – 2 reedbuck
- Sentence (all suspects):
 - N\$ 15,000 or 24 months imprisonment
- Items forfeited to the state:
 - Ford Ranger
 - Rifle with telescope and silencer, handgun.

Court case Rundu CRM 6955/2023

- 2 Namibian suspects
 - arrested on 31 Oct 2023
 - found guilty on 02 Nov 2023
 - 2 days between arrest and verdict
- Charge:
 - Illegal possession of and dealing in controlled wildlife products – pangolin
- Sentence (all suspects):
 - N\$ 25,000 or 5 years imprisonment.



5.3 Targeted species

MEAT POACHING

The number of registered meat-poaching cases continued to drop during 2023, with 144 registered cases making up 37 per cent of all cases (compared to 204 cases/46% in 2022). Wide-ranging anecdotal information indicates that a substantial number of cases are not reported, mainly due to lack of evidence¹. Meat poaching presents a complex challenge with significant variations regarding the motivations and methods for poaching. The data currently does not distinguish between subsistence and commercial meat-poaching for financial gain. As markets for poached meat are almost entirely local, it is important to identify and understand poaching motives and market drivers to better counter this problematic sector. A broad range of interventions that reach beyond law enforcement is urgently required (see also pp. 40–45).

HIGH-VALUE SPECIES POACHING/TRAFFICKING

Rhinos

Rhinos remained the most-targeted high-value species in Namibia during 2023, comprising 23 per cent of all registered wildlife cases, although losses were 29 per cent lower than in 2022. The threat to Namibia's rhinos continues unabated, and is likely to remain so unless international market demand can be influenced. The rhino populations in South Africa (over 15,000 animals, totals of both species combined) and Namibia (around 3,600 animals, totals of both species combined)² are the largest left in Africa. This is making the two countries the primary focus of poaching syndicates. Rhino protection is more challenging than ever, as diverse initiatives and huge investments are unable to reduce losses to low levels, and the perseverance of all stakeholders to continue protection efforts is severely tested. Effective law enforcement resulted in 83 arrests related to rhinos, almost half of which were pre-emptive and saved a considerable number of animals, yet court-case finalisation and sentences stand out as an increasingly problematic component of the challenge to protect rhinos. Only four cases related to rhinos were finalised during 2023, with a great variation in sentences. The High Court also ordered a substantial reduction of a stern deterrent sentence passed during 2022, based on an appeal against the perceived severity of the sentence (see details pp. 20–21). Together these factors continue to impede rhino protection and related law enforcement in Namibia (see also pp. 60–69).

Pangolin

Pangolin poaching and trafficking once again increased significantly during 2023, after a low in 2022 that was attributed in part to the deterrent effects of the Special Courts held that year. Data shows that stern sentences were followed by immediate dips in pangolin seizures. What factors are now driving the resurgence is unclear. There appears to be limited demand for pangolin products by middlemen seeking to smuggle the products out of the country, and no syndicate operations related to pangolin trafficking have been uncovered in Namibia. Most products are confiscated from rural Namibians, or in some cases Angolans or Zambians, who are looking for a buyer, attract the attention of law enforcement and are arrested. The hope of making fast money from pangolins appears to be based on media coverage about the global plight of pangolins, as well as local awareness campaigns, rather than knowledge of successful transactions as part of international trafficking. Pangolin cases made up 15 per cent of all registered wildlife cases during 2023, with 60 cases registered, 106 suspects arrested, and 70 pangolins, and scales from a further 3 or more pangolins, seized. The rapid increase in seizures during 2023 makes it clear that the deterrent effects of stern sentences are very short-lived, and that other initiatives are needed to help counter this trade (see also pp. 46–51).

Elephant

During 2023 some of the largest ivory seizures of recent years were made in Namibia. Seizures during 2022 had dropped to half the number of tusks seized in 2021, making 2022 seizures the lowest since 2016. This drop was also attributed in part to the effects of the Special Courts of 2022. Recorded poaching incidents in Namibia remain low, with 8 elephants killed in 2023. The ivory confiscated in Namibia is believed to stem mostly from elephants killed in other countries. This was confirmed for some ivory through transnational investigations related to the large seizures of 2023. Namibia's elephant population is currently estimated at around 24,000 animals³, and is not being affected by the low incidence of poaching in Namibia, although regional poaching is likely to have an impact, as the elephants move freely across international borders. The Namibian population is divided into four only partly linked sub-populations, with the large transboundary population in the Kavango East and Zambezi regions being the most susceptible to wildlife crime. Human-wildlife conflicts and habitat destruction represent urgent challenges in addition to poaching impacts (see also pp. 52–59).



Large predators

The skins of leopards, cheetahs, lions, caracals and servals, as well as those of various smaller carnivores, are intermittently seized in Namibia, usually from rural people seeking to make money through opportunistic trafficking of wildlife products. Isolated incidents of predator bones being trafficked have also been recorded. The popularity of captive predators as tourist attractions continues to elicit infringements, where predators are held in captivity without the required permits. The high value of leopards for the legal trophy-hunting industry is leading to wide-ranging infringements, as operators attempt to ensure successful 'hunts' by various means – many of them illegal. Legal hunting of wildlife is subject to stringent controls, and clear permit and reporting requirements. Infringements are not being tolerated, and have led to in-depth investigations and arrests during 2023 (see also p. 31). All of the above transgressions are detrimental, but are currently unlikely to have a major effect on predator populations, which remain healthy in suitable habitat across Namibia. Large cats (lion, leopard, cheetah) made up two per cent of targeted species during 2023, with 8 cases registered. Human–wildlife conflict and resultant killing of predators is likely to have a much more severe impact on predator populations, particularly in commercial livestock-farming areas, and on vulnerable populations such as the desert-adapted lions of the Erongo–Kunene Community Conservation Area.

Human–wildlife conflict incidents

High-value species continue to be killed during conflicts over resources between people and wildlife, or when animals present a danger to human safety. Rural communities faced with a direct danger to their lives or the potential destruction their crops, livestock or infrastructure may resort to preventative or retaliatory killings of elephants, predators, hippos and other wildlife. People have the legal right to defend themselves and their property against threats, yet the killing of protected wildlife in such scenarios is subject to clear reporting requirements to the MEFT. A number of human–wildlife conflict incidents resulting in the killing of high-value wildlife took place during 2023. The cases at times involve unregistered firearms, which results in separate criminal cases being opened. Human–wildlife-conflict cases are investigated by law-enforcement personnel and the decision on whether an offence has taken place and prosecution is justified is usually referred to the OPG.

PLANT POACHING AND TRAFFICKING

Namibia's rare and endemic plants are rapidly becoming some of the most sought after poaching targets in the country. The term 'poaching' usually conjures up the illegal catching or killing of animals, particularly mammals, but it is just as applicable to the illegal harvesting of plants for the ornamental-plant trade. Elephant's foot, *Adenia pechuelii*, is amongst the most-targeted individual species, at least according to seizure records. During 2023, investigations in 7 registered cases resulted in the seizure of 326 plants. Elephant's foot is a slow-growing arid-habitat species with a localised distribution, with solitary plants sparsely dotted across vast landscapes. The plant is classified as endemic to Namibia⁴. The loss of so many individual plants is likely to have a massive impact on the population viability of this species. During 2023, 94 specimens of rock corkwood, *Commiphora saxicola*, and 82 specimens of slender corkwood, *C. virgata*, were also seized. In total, 18 plant cases were registered, which resulted in 42 arrests, and the seizure of 1,311 plant products (includes live plants, timber and devil's claw products). Seizures were considerably lower than in 2022, when 4,287 plant products were seized (this included several thousand *Lithops* plants). Driven by international demand and syndicate operations, a great range of species are being targeted, including stem succulents with interesting growth forms (also called pachycauls), and leaf succulents, particularly of the genus *Lithops* (also known as stone plants). Illicit harvesting and trafficking of Namibian timber also remains prevalent, with kiaat, *Pterocarpus angolensis*, Zambezi teak, *Baikiaea plurijuga*, and ushivi, *Guibortia coleosperma*, the most-targeted species (see also pp. 70–75).



Boxes of rock corkwood, poached in northwestern Namibia, seized by customs officials in the Zambezi Region



B3. Jackson Babi receives clemency after appeal

Convicted rhino poacher and horn trafficker, Jackson Babi, received clemency and is free after a High Court appeal saw his sentence dramatically reduced to a relatively short jail term and a fine that amounts to less than the worth of the stolen horns, and substantially less than the worth of the rhinos that were killed.

Babi was arrested in 2020 in connection with two separate poaching incidents, in which two white rhinos were killed in the Gobabis area. After an associate attempted to pay off the investigating police officer to have the case 'disappear', Babi faced an additional charge of attempted bribery. Babi decided to plead guilty to 11 charges, on which he was sentenced in 2022. In his judgement, the magistrate dealing with the case provided clear motivation for a strong deterrent sentence: '[The accused] is an abled preacher, motivational speaker and singer who was able to sustain himself and his family [who was] clearly driven by greed in the commission of his offences which no court shall tolerate. [The illegal activities were] well thought out and carefully planned and hence a deterrent sentence [is required]. [...] options of fines and periods of direct imprisonment are justified given the nature of the offences. A message to offenders be that they need to feel the financial pinch whilst [receiving] a clear message that in view of the prevalence of the offences, imprisonment is [appropriate].'¹

The world's remaining rhinos are experiencing an unabated poaching onslaught. Once common across Africa, they have been reduced to isolated pockets of locally viable populations. Namibia is now home to the largest population of black rhinos in the world, and the second-largest population of white rhinos. This is partly because Namibia has implemented effective conservation measures over the past five decades, which have rebuilt the black rhino population from historic lows, and have reintroduced white rhinos after local extinction in the mid-1800s. But the main reason is that populations of all rhino species have been decimated by poaching in most former range states across both Africa and Asia, and are now reduced to very low numbers, or extinct, in most former range states. Namibia and South Africa represent the last rhino strongholds. Once our rhinos are gone, they will be gone forever.

Rhino-poaching syndicates know it. Namibia's rhinos have been in the cross-hairs for the past decade. We

have lost well over 620 rhinos since 2015. Wildlife protection and law-enforcement entities have responded valiantly. Government has created new agencies to counter the onslaught.

A range of protection and law enforcement measures continue to be deployed at great expense to counter the killings. These include anti-poaching patrols by national security forces and private anti-poaching units, police investigations, criminal prosecutions, dehorning of rhinos to remove the poaching incentive, translocation of rhinos to safer locations, security fences, and surveillance technologies. Government, international funding agencies, and the private sector have all invested massive amounts of money, time and energy to curb wildlife crime and safeguard our valuable natural resources. Rhino conservation has become exorbitantly expensive. A recent study has conservatively estimated the average annual cost of wildlife protection and law enforcement to curb the illegal wildlife trade in Namibia at N\$ 250 million per year, or N\$ 2 billion over ten years. The largest portion of these costs is carried by government, and international funding support channelled through government, but important contributions are also made by private landholders and community conservancies².

The most serious charges against Jackson Babi (rhino poaching) have seen the related sentences reduced to mere fines by the High Court as part of the appeal judgement. While both pairs of horns from the poaching incidents were recovered, the rhinos are lost. The current maximum sentences for rhino poaching or trafficking are 25 years imprisonment, a fine of N\$ 25 million, or both. Because previous maximum sentences (5 years or N\$ 200,000, or both) were seen as an inadequate deterrent and insufficient punishment, lawmakers revised these in 2017³. While the High Court conceded that 'These crimes are indeed serious and prevalent [... and] deserve heavy and deterrent sentences', it stated that the magistrate had 'overemphasised the seriousness of the offence at the peril of the personal circumstances of the appellant'⁴.

Failure to acknowledge the complex facets of conservation, protection and law enforcement does not bode well for rhinos (or our other vulnerable resources). Rigorous law enforcement is the frontline of defence against serious crimes. Yet law enforcement is only effective if it culminates in appropriate punishment for serious criminals.



Count	Charge (Gobabis CRM 442/2022)	Maximum Sentence	Original Sentence – 9 September 2022	Revised Sentence after Appeal – 8 December 2023
1	Poaching of rhino (first rhino poached)	300 months imprisonment and/or N\$ 25 million fine	36 months direct imprisonment plus N\$ 100,000 fine in default of payment 24 months imprisonment	Original sentence set aside and substituted with the following: Count 1 and 2 taken together for purpose of sentence: N\$100,000 fine or 60 months imprisonment, of which N\$40,000 or 24 months imprisonment are suspended for 5 years in default of payment 36 months imprisonment
2	Poaching of rhino (second rhino poached)	300 months imprisonment and/or N\$ 25 million fine	36 months direct imprisonment plus N\$ 100,000 fine in default of payment 24 months imprisonment	
3	Theft of rhino horn (first pair of horns stolen)	240 months imprisonment and/or N\$ 100,000 fine	24 months direct imprisonment	Sentences confirmed, but Count 3 and 4 to be served concurrently
4	Theft of rhino horn (second pair of horns stolen)	240 months imprisonment and/or N\$ 100,000 fine	24 months direct imprisonment	24 months direct imprisonment
5	Illegal supply of firearm	36 months imprisonment and/or N\$ 12,000 fine	N\$ 5,000 fine or 12 months imprisonment unfit to own firearm for 4 years	Sentences confirmed, but Count 5 and 6 to be served concurrently
6	Illegal supply of ammunition	36 months imprisonment and/or N\$ 12,000 fine	N\$ 5,000 fine or 12 months imprisonment unfit to own firearm for 4 years	N\$ 10,000 fines in default of payment 12 months imprisonment
11	Racketeering (POCA)	1,200 months imprisonment and/or N\$ 1 billion fine	N\$ 30,000 fine in default of payment 24 months imprisonment	Sentences confirmed N\$ 160,000 fines in default of payment 132 months imprisonment
12	Money laundering (POCA)	360 months imprisonment and/or N\$ 100 million fine	N\$ 30,000 fine in default of payment 24 months imprisonment	
17	Illegal possession of rhino horn	300 months imprisonment and/or N\$ 25 million fine	N\$ 50,000 fine in default of payment 36 months imprisonment	
18	Money laundering (POCA)	360 months imprisonment and/or N\$ 100 million fine	N\$ 30,000 fine in default of payment 24 months imprisonment	
19	Corruptly giving gratification as inducement	300 months imprisonment and/or N\$ 500,000 fine	N\$ 20,000 fine in default of payment 24 months imprisonment	
Total			120 months direct imprisonment N\$ 370,000 direct fines in default of payment 204 months total imprisonment	24 months direct imprisonment N\$ 230,000 direct fines N\$ 40,000 suspended fine in default of payment 180 months total imprisonment



6. CHALLENGES FACED IN 2023

... and how they are being addressed

6.1 Organised wildlife crime

SURGING SYNDICATE ACTIVITIES –

Organised criminal activity appears to be increasing in various sectors involving Namibia's natural resources. During 2023, complex syndicate operations were investigated related to rhino poaching, live-plant trafficking, illicit timber harvesting, and trophy shooting. Some criminal convergence between different sectors has also been detected. Organised crime is about a willingness to make money by illegal means, whatever these might be.

Rhino poaching and horn trafficking clearly involves intricate criminal networks within Namibia, as well as international trafficking routes and nodes, enabled by transnational syndicates. Far-reaching, transnational syndicate networks have also been detected in the live-plant trafficking sector, seeking to supply the global ornamental-plant trade. Illegal harvesting of Namibia's timber resources is being carried out both via transnational collusion, and through coordinated transgressions amongst Namibian actors. More localised, syndicate-style operations have been uncovered during investigations into transgressions related to trophy shooting.

... being addressed

Investigations into organised crime exploiting Namibia's natural resources are seeking to dismantle entire criminal networks, rather than simply arresting individual suspects. The use of wide-ranging surveillance and all available technologies is vital in facilitating the detection of criminal activities and the gathering of evidence, and in enabling arrests and prosecutions. The use of POCA charges against criminal gangs, racketeering activities and money laundering are central to convictions with appropriate penalties.

6.2 Wildlife protection

LIMITS IN WILDLIFE-PROTECTION CAPACITIES –

Namibia's vast, sparsely populated wildlands and the valuable biodiversity they support make the protection of resources targeted by criminals very difficult. The country is simply too big, and in many places too inaccessible, to physically protect all resources, everywhere, all of the time. This means that countermeasures must be able to deter criminal activity and promote community vigilance

across the country, without a physical presence in all places. Fluctuating poaching losses show that current protection and deterrence gains tend to be short-lived. The resurgence in pangolin and rhino poaching during 2023, the expansion of plant poaching, and the suspected existence of additional problematic sectors such as live-reptile trafficking make it clear that the threat of wildlife crime is undiminished.

... being addressed

Wildlife protection and crime prevention initiatives continue to be refined, but will remain a massive challenge in the vast and diverse habitats where Namibia's flora and fauna are found. Collaboration and integration between conservation, wildlife protection, and law-enforcement initiatives seeks to facilitate more focussed action. It will also be increasingly necessary to devise tailored protection measures for particular sectors and vulnerable species. Broader countermeasures and new approaches will be required to change current crime dynamics and motivations.

6.3 Investigations and arrests

PREVALENCE OF MEAT POACHING –

The number of meat-poaching cases registered at a national level continues to decline from an extreme peak in 2019. Yet poaching for meat remains widespread across the country, with the prevalence of cases believed to be under-reported, largely due to a lack of evidence and concomitant inability to identify potential suspects in many cases. Commercial meat poaching to supply urban markets is highly specialised and efficient, and extremely difficult to counter effectively. Subsistence poaching by the rural poor presents a different set of challenges, which require more nuanced approaches. The diverse resources required to counter meat poaching in all its forms represent an ongoing challenge.

... being addressed

Closer stakeholder collaboration is being prioritised in meat-poaching hotspots through active sharing of information, joint surveillance, and joint law-enforcement operations. Multi-pronged approaches are needed to address the challenge of subsistence poaching, which is rooted in socio-economic circumstances and fomented by poverty, and can not be solved through law enforcement alone.



6.4 Prosecution and sentencing

INCREASING COURT-CASE BACKLOG –

The backlog of wildlife cases on the court rolls continues to increase, as more cases are registered than finalised each year. In extreme years, four times as many cases were registered as finalised. During 2023 only 96 cases were finalised – the lowest number since 2018.

... being addressed

A series of Special Courts dedicated to hearing wildlife cases have been held at various priority locations since April 2022. These substantially reduced the gap between registered and finalised cases, but broader interventions are clearly needed. Further Special Courts are planned for 2024, and a Permanent Wildlife Court, dedicated to wildlife cases, is being developed at Otjiwarongo. This is scheduled to open in mid-2024 and is likely to significantly improve the rate of case finalisation, yet other initiatives that reduce crime will also be needed.

INAPPROPRIATE SENTENCES –

Lenient sentences in conspiracy-to-poach-rhino cases continued as a challenge during 2023. Similarly, some judgements in appeal cases can be problematic, if deterrent sentences are substantially reduced. Both scenarios may be counterproductive to national and global efforts to protect indigenous biodiversity and counter wildlife crime, particularly rhino, elephant and pangolin poaching and trafficking, and their far-reaching effects.

... being addressed

More work is clearly needed to create a deeper understanding amongst the judiciary – and other stakeholders – of the far-reaching impacts of wildlife crime, and in particular the local, national and global costs associated with wildlife conservation, protection and law enforcement.

6.5 General

CAPACITY CONSTRAINTS –

Wildlife crime has become one of the most pervasive criminal sectors in Namibia. The number of cases registered per year has dropped since a peak in 2019, yet criminal expansion into new sectors continues to present new challenges and expose capacity constraints. Since the start of the poaching onslaught a decade ago, government has implemented diverse countermeasures and has received wide-ranging local and international support. This has enabled diverse successes, including notable reductions in registered cases and poaching

losses in various sectors. Yet most gains have proven temporary, as changing criminal tactics and targets result in new crime spikes and renewed losses. Equipment, personnel and financial constraints within all key agencies combatting wildlife crime continue to impede optimum countermeasures and adaptability.

... being addressed

Namibian Partnerships against Environmental Crime are continually striving to address funding constraints and other capacity gaps through wide-ranging intersectoral cooperation, and external funding and technical support. Ongoing international collaboration remains a vital component of the partnership. The vulnerable status of most sectors makes it clear that further expansion of capacities is required, while new approaches are also needed to facilitate lasting gains.



Protecting pangolins in their natural habitat is currently not prioritised in Namibia



Wildlife crimes increasingly involve intricate syndicates, often with far-reaching transnational links



7. WILDLIFE-CRIME STATISTICS SUMMARY 2019–2023

Key wildlife-crime indicators

- 'Wildlife-crime cases registered' include some cases in which only the carcass of a poached animal was discovered, but no arrests or seizures were made; this is particularly relevant for rhino cases, which often start with the discovery of a carcass without any suspects.
- Individual totals for pangolin, elephant and rhino 'cases registered' and 'suspects arrested' may add up to more than the totals in the 'high-value-species cases' categories, because a number of cases and arrests may have involved more than one of the above species.
- Statistics are aggregated from all parts of the country, resulting in some cases being incorporated after the publication of a particular report. There may thus be minor differences in numbers between weekly, monthly, quarterly and annual reports.
- The number of elephant tusks seized does not relate directly to the number of elephants killed in Namibia, as tusks may originate from elephants killed in other countries.
- Cases finalised during 2023 may have been registered in previous years
- Individuals convicted during 2023 may have been arrested in previous years.

* Meat species are defined in this report as giraffe, buffalo, zebras, antelopes and warthog.

** High-value species are defined in this report as elephant, rhinoceroses (black and white rhinos combined) and pangolin.

*** One ground pangolin has around 380 scales ($\pm 8\%$)¹; juvenile and adult pangolins have the same average number of scales

7.1 Key wildlife-crime indicators during 2023:

INDICATOR	2019	2020	2021	2022	2023
Cases registered (all categories):	559	431	457	440	389
meat-poaching* cases	265	219	208	204	144
high-value species** cases	251	152	197	176	181
pangolin cases	95	60	71	36	60
elephant cases	53	33	56	34	32
rhino cases (total of both species)	107	63	73	107	90
conspiracy to poach rhino cases (pre-emptive)	24	8	7	15	12
plant cases	0	0	1	12	18
Suspects arrested (all categories):	1,101	888	879	714	654
in meat-poaching* cases	587	492	497	410	297
in high-value species** cases	432	315	300	195	239
in pangolin cases	176	105	129	56	106
in elephant cases	129	64	98	64	56
in rhino cases (total of both species, all cases)	142	154	82	78	83
in conspiracy-to-poach-rhino cases (pre-emptive)	79	50	25	48	39
in plant cases	0	0	3	27	42
Products seized:					
pangolin – live animals	51	8	22	12	17
– dead animals/skins	79	67	66	28	53
– scales***	101	926	186	873	905
elephant – complete tusks	115	62	107	55	102
rhinos – complete horns	8	23	15	5	15
plants	0	0	20	4,287	1,311
Rhinos dehorned:	310	195	115	145	487
Estimated number of animals poached:					
elephant	13	12	8	4	8
rhinos	62	49	50	97	69
Instrumentalities seized:					
firearms	69	78	55	60	69
vehicles	39	49	33	37	51



INDICATOR	2019	2020	2021	2022	2023	Comments 2023
Individual's cases finalised in court (all categories):	280	307	376	512	200	
meat-poaching* cases	182	192	257	292	117	
high-value species** cases	69	87	95	145	48	
plant cases	0	0	0	2	9	
Individuals convicted (all categories):	245	243	301	388	174	87% conviction rate
in meat* poaching cases	160	152	211	215	102	87% conviction rate
in high-value species** cases	59	65	68	115	42	88% conviction rate
in plant cases	0	0	0	2	5	56% conviction rate
Convictions resulting in custodial sentence (total):	218	213	263	377	164	average 20 months
in meat* poaching cases	140	127	174	211	97	average 9 months
in high-value species** cases	59	62	67	110	42	average 44 months
in plant cases	0	0	0	2	3	average 3 months
Convictions resulting in monetary fine (total):	213	235	288	351	156	average N\$ 5,310
in meat* poaching cases	141	147	205	209	99	average N\$ 3,723
in high-value species** cases	51	63	63	87	27	average N\$ 8,821
in plant cases	0	0	0	2	5	average N\$ 2,062

Targeted species

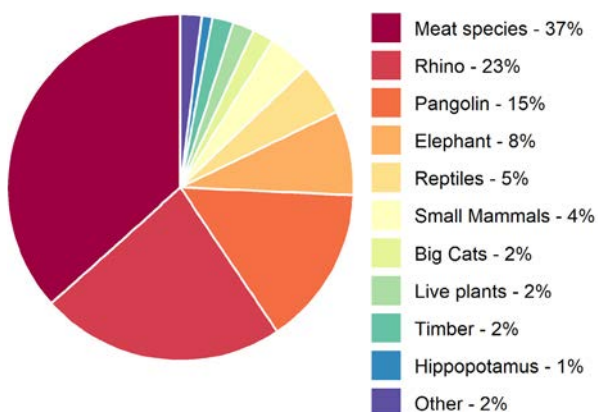
- Meat species are defined in this report as giraffe, buffalo, zebras, antelopes and warthog.
- The majority of targeted animals is comprised of meat species, although registered cases have shown a slow decline in recent years.
- Rhinos (both species combined) are the species with the most cases registered; this includes pre-emptive cases where targeted animals were saved, as well as cases of discovered carcasses without arrests.
- Pangolin trafficking again increased substantially during 2023, making up 15 per cent of registered cases.
- The number of elephant cases remains relatively low; few animals are known to have been poached in Namibia, while transboundary investigations into large ivory seizures during 2023 revealed that many tusks originate from elephants killed in neighbouring countries.
- Ratios are calculated using the number of cases registered per category, not the number of individual animals involved.

Nationality of suspects

- Most wildlife crimes in Namibia are being carried out by Namibians.
- Suspects from neighbouring countries make up the majority of other nationalities.
- Contrary to widespread beliefs, Asians only make up a very small proportion of suspects arrested in Namibia.
- The composition of nationalities will obviously differ substantially as one moves up the crime chain to international middlemen, dealers and kingpins.

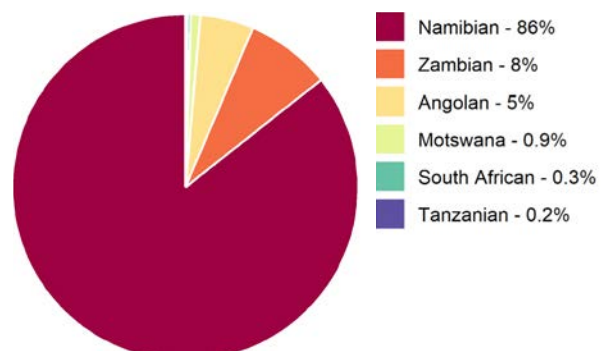
7.2 Ratios of targeted species:

for all registered cases recorded in 2023



7.3 Ratios of suspects' nationalities

for all arrests recorded in 2023

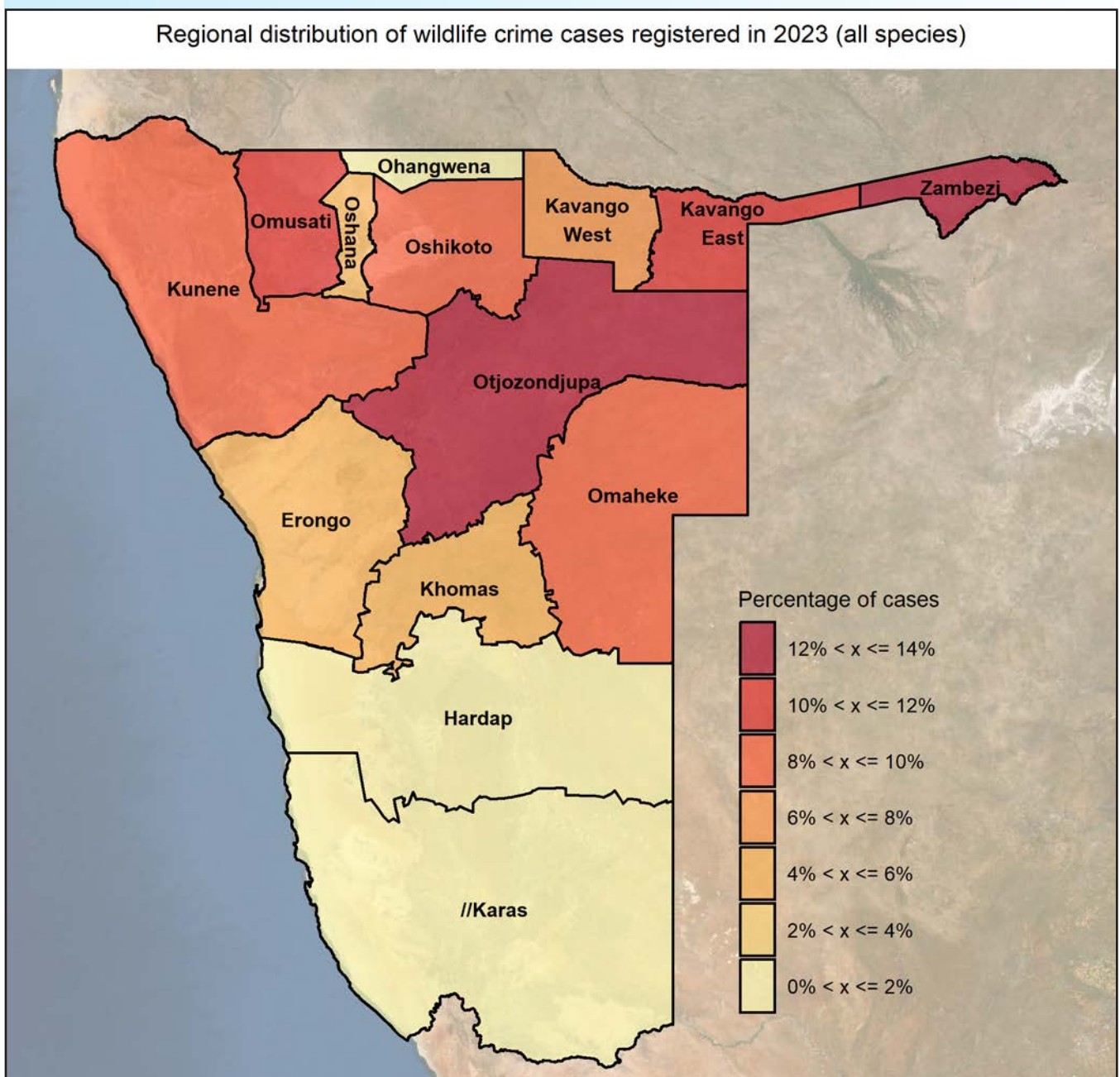


8. GENERAL WILDLIFE-CRIME TRENDS 2015–2023

8.1 REGIONAL DISTRIBUTION of ALL REGISTERED CASES during 20223

Regional distribution of registered cases

- The map shows the total number of wildlife-crime cases registered during 2023 and includes all types of wildlife crime.
- The map indicates the regions in which cases were registered, not necessarily where the crime was committed. Cases are generally registered at the police station nearest to the place of arrest, which may be in another region than where an incident occurred.
- Wildlife crime is clearly prevalent in all regions of Namibia.
- During 2023, the highest number of cases was registered in the Otjozondjupa Region.
- Cases may involve poaching, possession, trafficking and other transgressions, or a combination of offences.
- Wildlife densities are generally lower in the south and central north than other parts of the country, resulting in fewer opportunities for poachers.
- Trafficking of high-value-species products is generally more prevalent in the north of the country; this is influenced by the proximity of the northern borders, which represent known trafficking routes for smuggling contraband in or out of the country.





*Seizure of leopard and pangolin skins
Kavango West Region,
November 2023.*

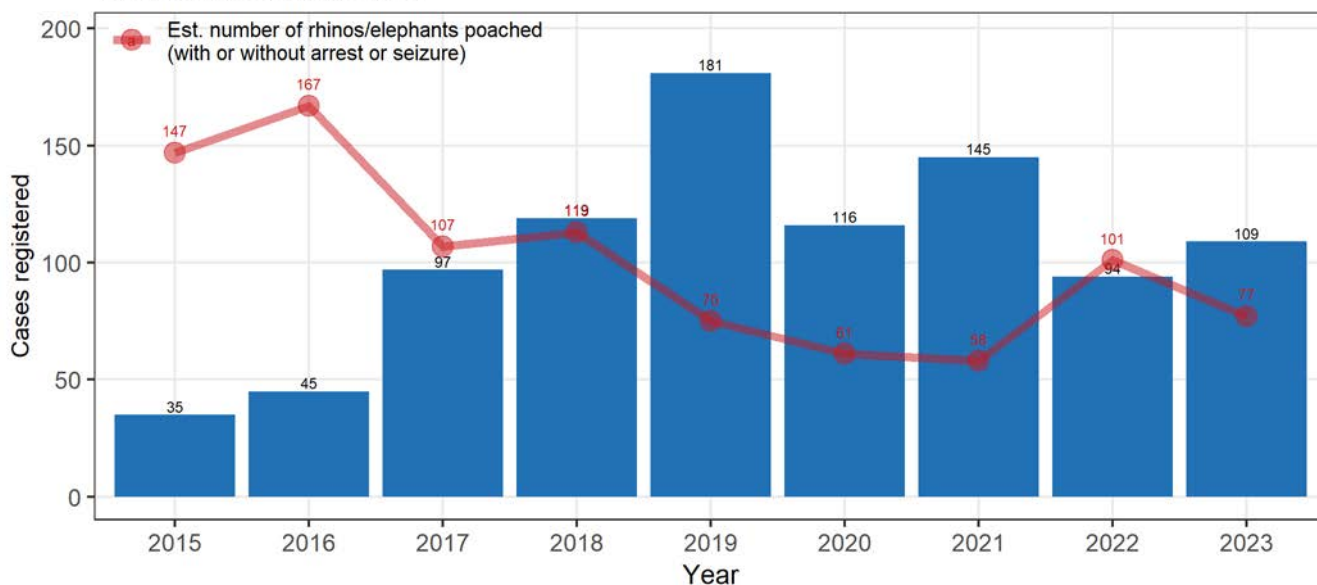
The total numbers of wildlife-crime cases registered and suspects arrested continue to decline each year from a peak in 2019; yet some sectors, such as pangolin and rhino poaching and trafficking, exhibit fluctuations marked by repeated spikes.

Trends in the number of high-value-species cases registered

- It is important to note that the registered cases in the below graphs include only those cases in which arrests or seizures were made; all discovered carcasses of rhinos and elephant are investigated, and are indicated separately on the graphs to reflect overall poaching prevalence.
- While poaching of elephant has clearly decreased from a peak in 2016, rhino poaching continues to exhibit new spikes.
- The number of cases registered per year has fluctuated since a peak in 2019; this may be influenced by various factors, including external funding and technical support channelled directly to investigations (since 2017), launch of Operation Blue Rhino (2018) and fluctuating crime.
- Meat-poaching cases made up around half of all registered wildlife-crime cases since 2019.
- High-value species are defined in this report as elephant, rhinoceroses (black and white rhinos combined) and pangolin.
- Meat species are defined in this report as giraffe, buffalo, zebras, antelopes and warthog.

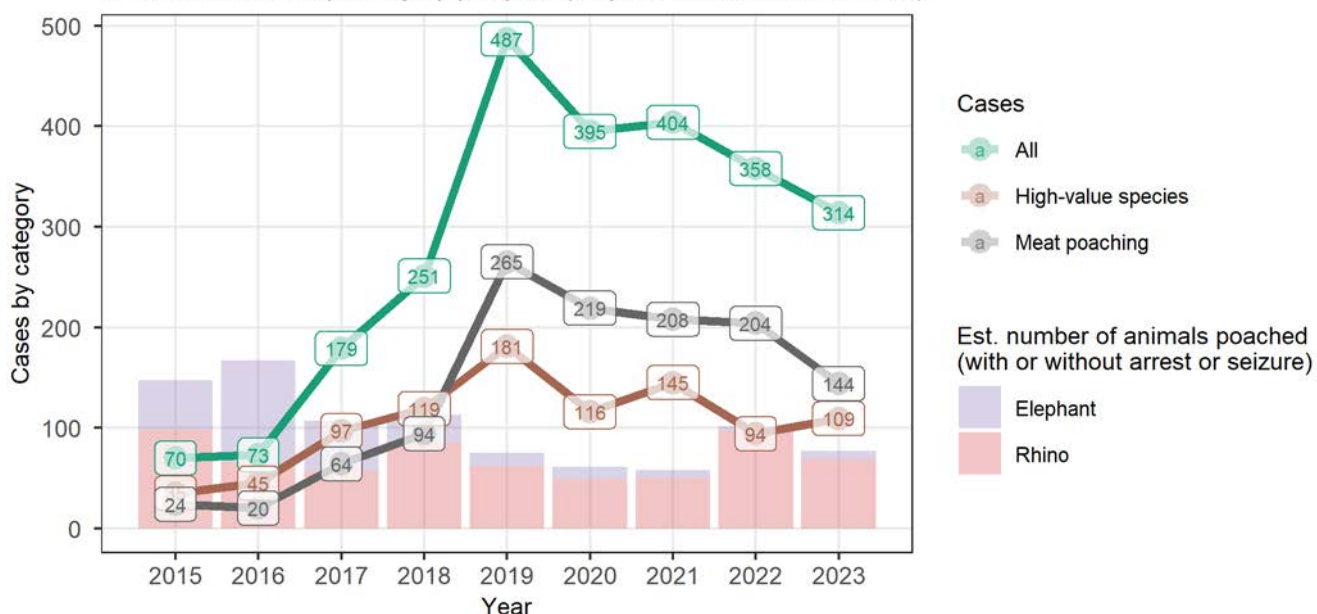
8.2 Wildlife crime CASES REGISTERED (high-value species)

Annual wildlife crime cases registered (high-value species cases only) vs. annual poaching figures



8.3 Wildlife crime CASES REGISTERED divided BY GENERAL CATEGORIES

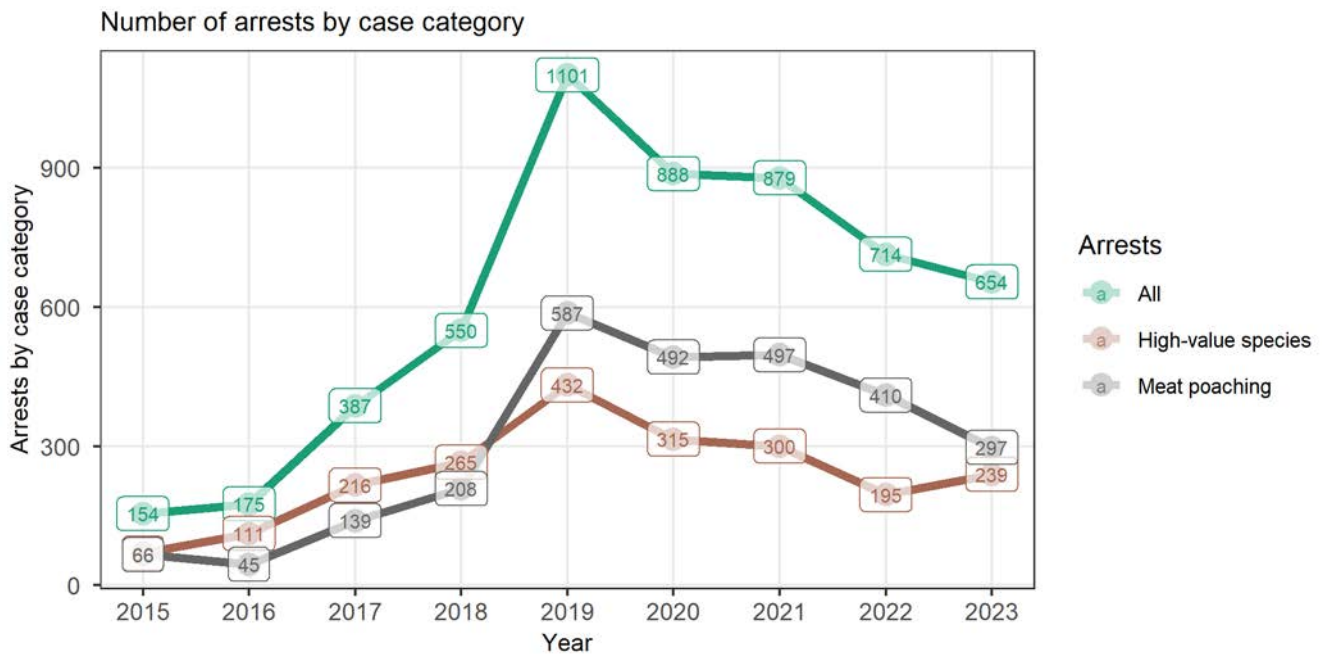
Number of cases by category per year (only cases with arrests made)



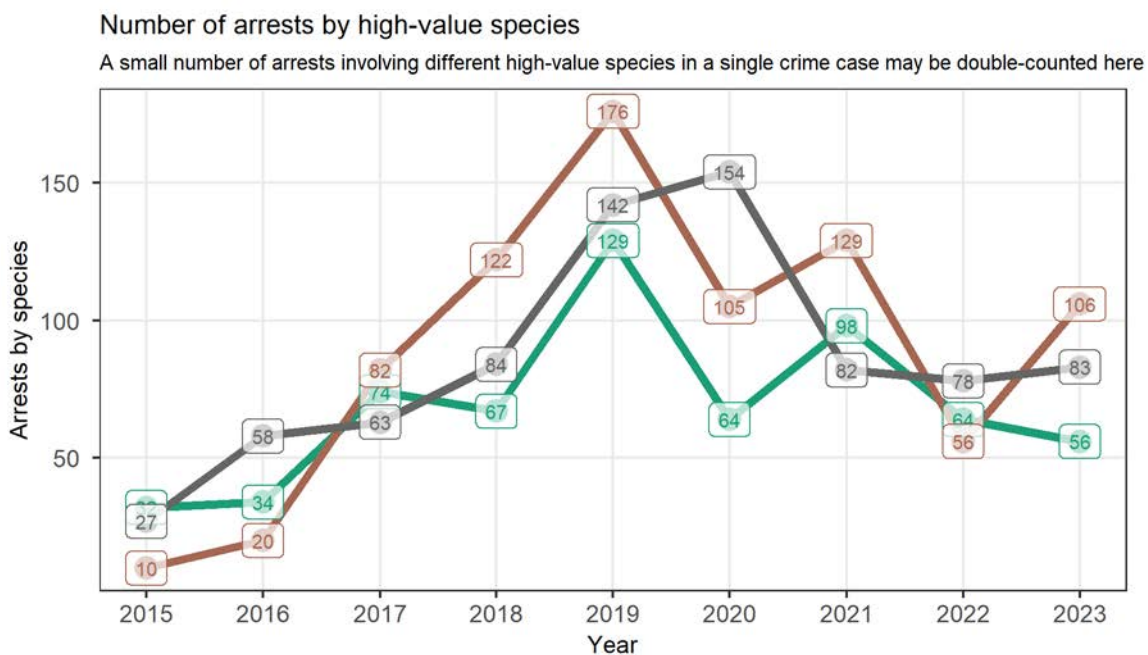
Trends in the total number of wildlife-crime arrests

- Annual arrests have dropped gradually from a peak in 2019; this may be influenced by a number of factors, including external funding and technical support channelled directly to investigations (since 2017), launch of Operation Blue Rhino (2018) and fluctuating crime.
- Other factors for the general decrease in arrests may include law-enforcement success, the effects of heightened police checks and movement restrictions during the COVID-19 pandemic, and decreased involvement in crime.
- Arrests related to pangolin showed a notable drop in 2022 (likely influenced in part by strong deterrent sentences delivered that year), but arrests have almost doubled again since then, reflecting the complex drivers of this sector.
- High-value species are defined in this report as elephant, rhinoceroses (black and white rhinos combined) and pangolin.
- Meat species are defined in this report as giraffe, buffalo, zebras, antelopes and warthog.

8.4 Wildlife crime ARRESTS divided BY GENERAL CATEGORIES



8.5 Wildlife crime ARRESTS divided BY HIGH-VALUE SPECIES CATEGORIES



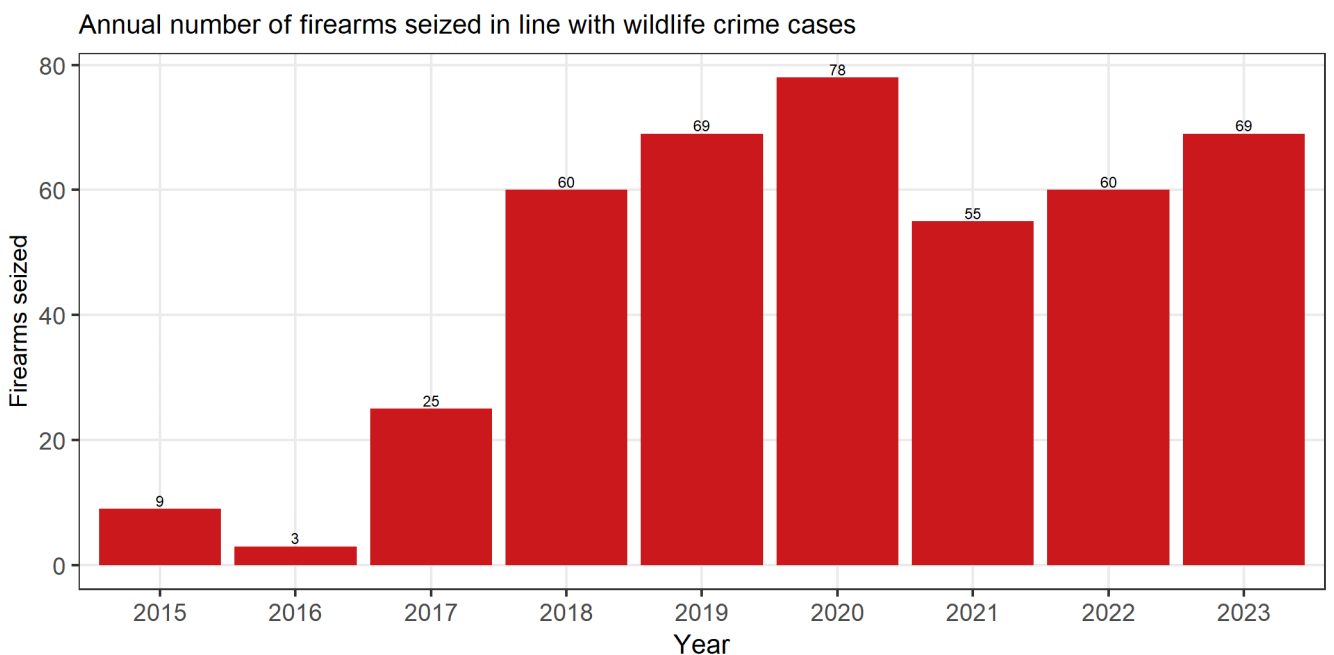
Seizures of firearms and vehicles

- When suspects are found in possession of contraband such as illegal wildlife products, firearms or ammunition, the items, as well as the vehicles in which the items were transported, may be seized as **instrumentality** in the commission of an alleged offence.
- If suspects are convicted as charged, vehicles or other property that has been impounded in relation to the charges may be forfeited to the state.
- The forfeiture of expensive vehicles represents a significant additional punishment for criminals.
- Fluctuations in the number of firearm and vehicle seizures are influenced by the complexity of registered cases in any given year.

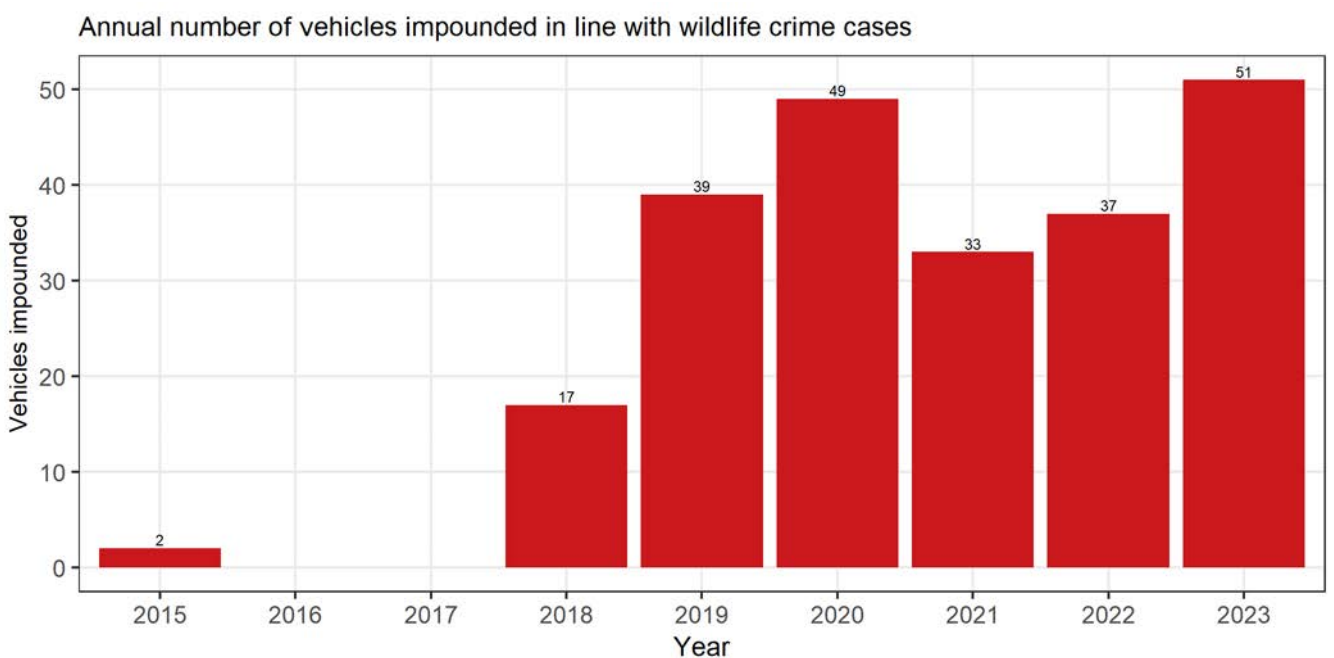
Prevention of Organised Crime Act (POCA) charges

- Wildlife crime can be categorised as organised crime under POCA when it is carried out by two or more people repeatedly working together, and when it includes any of the following organised-crime categories: racketeering; criminal gang activity; money laundering.
- The escalation of transnational organised crime since 2015 has led to a steep increase in the number of suspects charged under POCA.
- The fluctuation of POCA charges after a peak in 2020 may be due to a range of factors related to the complexity of crime cases.

8.6 Wildlife crime FIREARM SEIZURES (all categories)

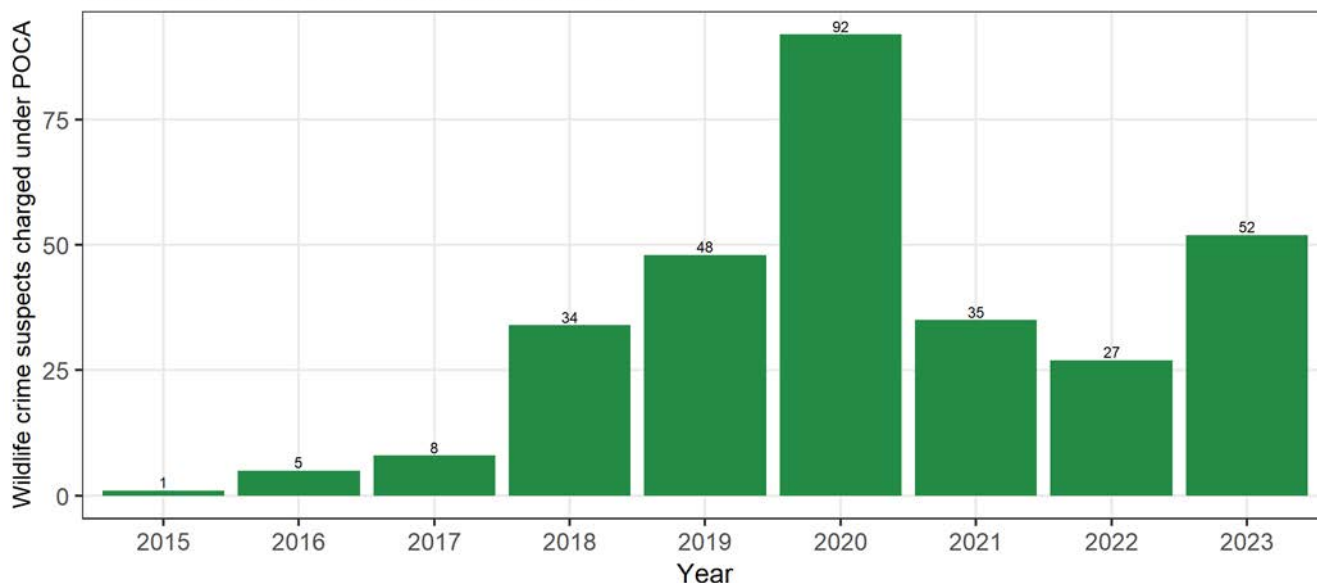


8.7 Wildlife crime VEHICLE SEIZURES (all categories)



8.8 PREVENTION OF ORGANISED CRIME ACT (POCA) CHARGES (all categories)

Annual number of wildlife crime suspects charged under the Prevention of Organized Crime Act 29 of 2004



B4. Transgressions by the legal hunting and game industries are not tolerated

The legal hunting industry – and associated taxidermy, game breeding, harvesting of wildlife for meat and other auxiliary industries – have been a vital and rapidly expanding part of Namibia's rural economy. Numerous commercial farmers have switched from livestock to a mix of livestock and wildlife, or to exclusively wildlife-based operations. Similarly, lucrative conservation-hunting concessions in communal conservancies, as well as some multi-use parks such as Bwabwata, have been a vital source of income for conservancies and rural communities. This has facilitated wildlife recoveries on freehold and communal land, as the value of wildlife is recognised as a viable economic option by landholders¹.

The boom has also had negative effects. Private land is being enclosed with game-proof fences in many parts of the country, as landholders seek to keep their valuable wildlife to themselves. This has cut off the ability of wildlife to move in response to rainfall and food availability, and is leading to severe overgrazing in many areas. Game breeding has added another dimension, as breeders seek to supply the trophy industry with a palette of colour variants, exceptional trophies and exotic species². While these activities can be financially rewarding, they provide no conservation benefits.

The lucrative trophy industry is also unfolding a much darker, illicit side. Driven by greed, some operators are increasingly ignoring the stringent laws and associated permit requirements in place to regulate the sector. Numerous

transgressions are being uncovered across the spectrum, amongst hunting guides and operators, and in auxiliary sectors. Some of the worst infringements are in relation to high-value species. The popularity and high price of leopard trophies, combined with the difficulties of legitimate leopard hunts, has enticed illegal activities. In-depth investigations by MEFT, in close collaboration with NAMPOL and the PG-ECU, are leading to an increasing number of arrests. Unacceptable activities are further entrenching an already negative public image for the trophy-shooting sector³.

It may seem as though the trophy industry is intent on self-destructing. International condemnation continues to gain momentum, and attempts to ban wildlife-trophy imports are advanced in several European countries⁴. Yet illegal, appalling practices continue to be uncovered in Namibia. While they are being actively countered through law enforcement, damage to the industry is spiralling.

For the past decade the MEFT has promoted conservation hunting – hunting with clear, verifiable conservation gains – to separate positive operations from negative activities. Unfortunately, some operators are ignoring this opportunity to redefine the industry in a positive light.

Sustainable use of natural resources is enshrined in Namibia's constitution – but this should not be misinterpreted as an open door for misuse or abuse of our wildlife wealth – illegal activities will not be tolerated.



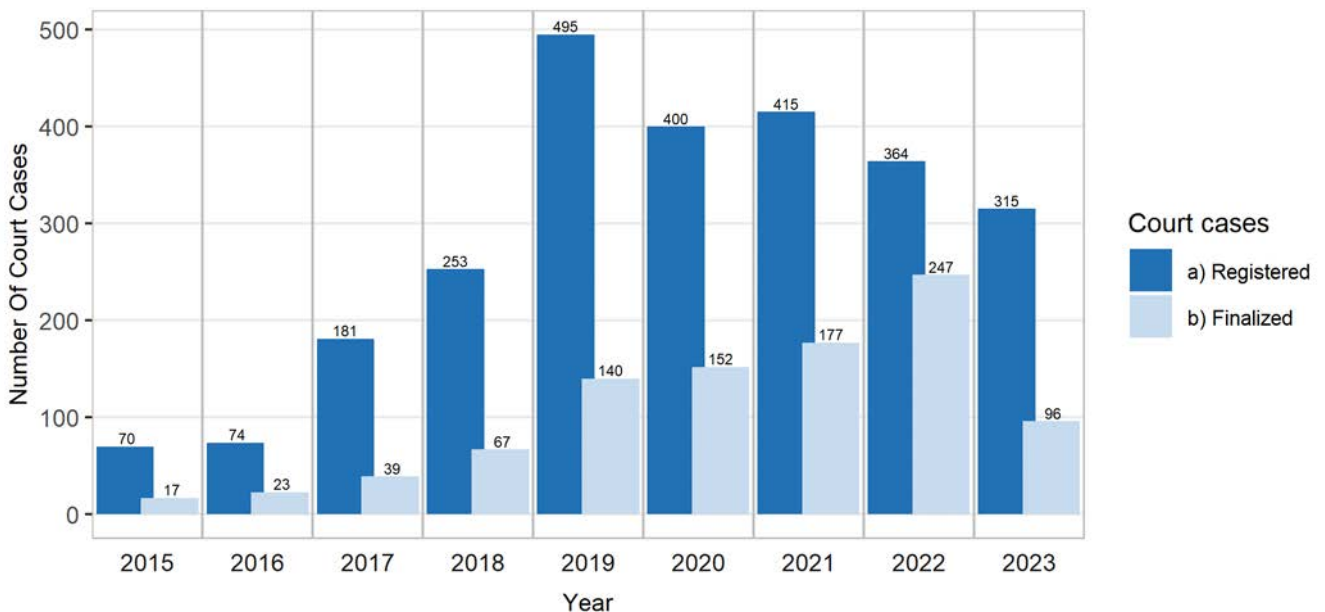
Annually registered versus finalised cases, and annual conviction rate

- **Registered vs. finalised cases** indicates how many cases are registered in a particular year, and how many cases are finalised in the same year (irrespective of when they were registered); as cases may take several years to finalise, links between registered and finalised cases are not made in this graph; while the rate of case finalisation is improving, many more cases are registered than finalised in any particular year, leading to an increasing build-up of ongoing cases and a growing strain on the judiciary.
- The Special Courts held during 2022 significantly reduced the gap between registered and finalised cases during that year; for every case finalised in 2019, 3.54 new cases were registered; in 2022 that ratio was reduced to 1.47, but in 2023 it increased again to 3.28
- **Annual conviction rate** refers to the percentage of suspects in finalised cases who have been convicted; the annual conviction rate is near or above 75% for all years since 2016, and above 80% in 2023, indicating that appropriate charges were filed and that the cases were well-presented in court; indeterminate indicates that the status has not yet been defined in the database.

8.9 ANNUAL CASES REGISTERED versus ANNUAL CASES FINALISED (all categories)

Cases are shown by year of registration and finalisation, respectively; finalised cases may have been registered in previous years.

Annually registered vs. finalized wildlife crime court cases (all cases)

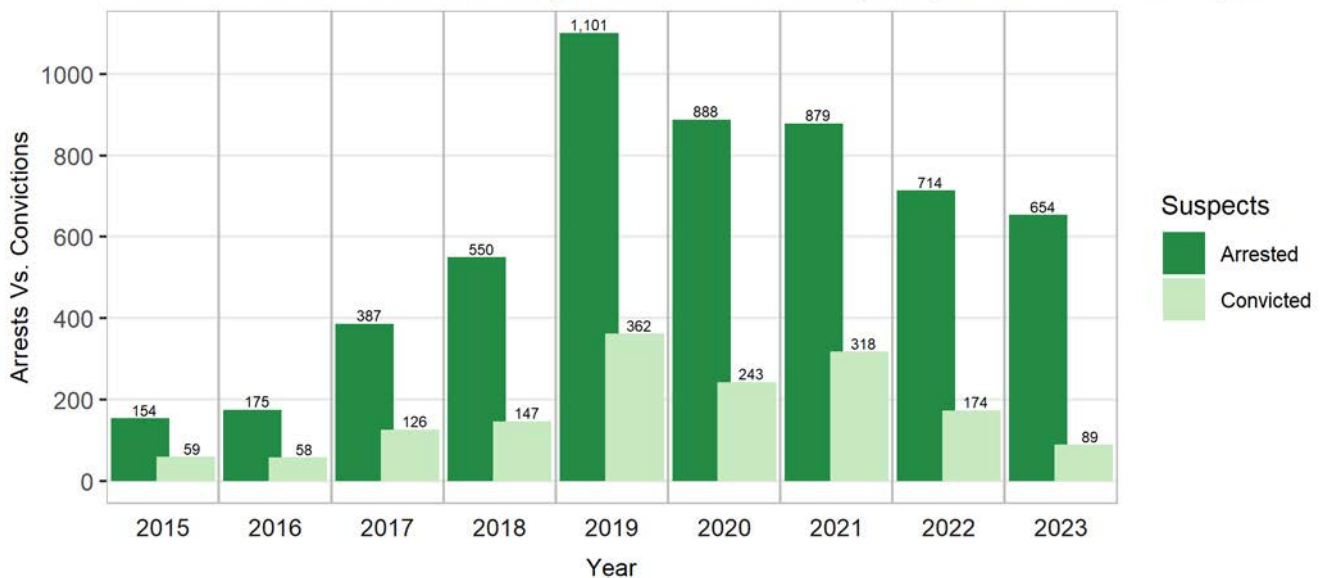


8.10 ANNUAL ARRESTS versus CURRENT CONVICTIONS (all categories) [status 1.04. 2024]

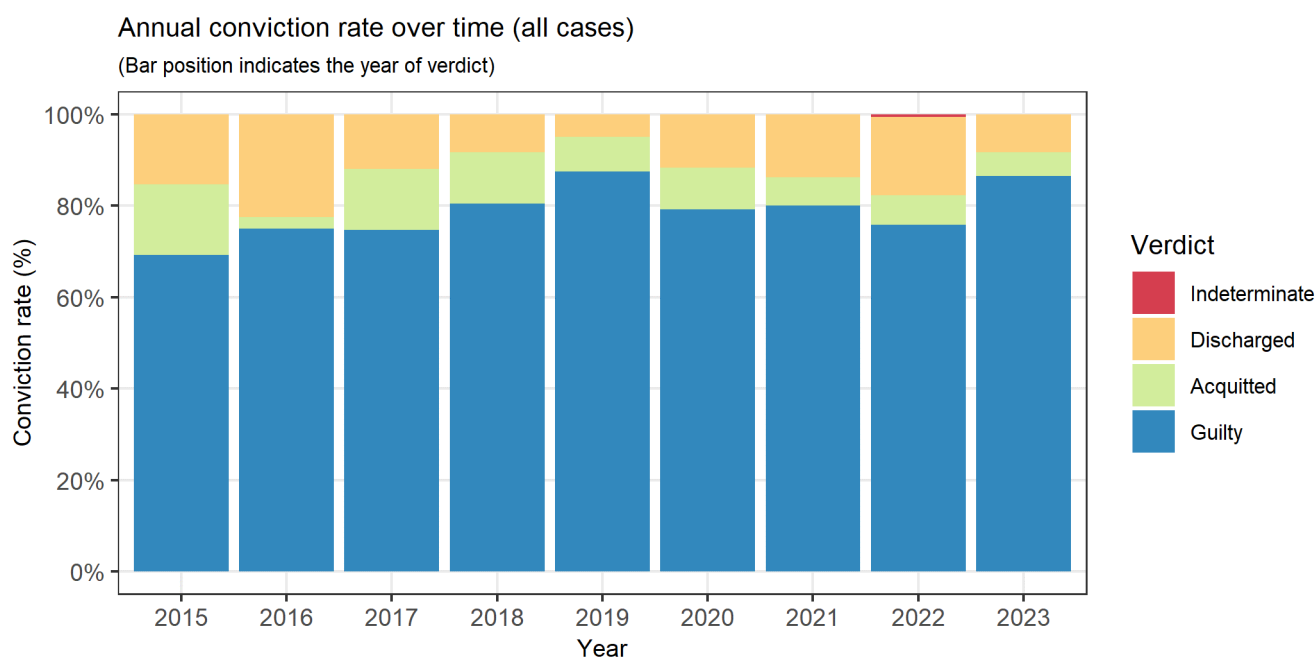
Arrests and convictions are shown by year of arrests; many convictions are achieved years after the arrest.

Annual arrests vs. their current conviction status (all cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



8.11 ANNUAL CONVICTION RATE (all categories)



B5. A dedicated wildlife court for Namibia

Effective prosecution and timeous case finalisation have represented central capacity challenges to countering wildlife crime in Namibia. A backlog of cases has steadily increased since 2015, with considerably more cases being registered than finalised each year. Between the start of 2015 and the end of 2023, some 2,567 cases had been registered, while only 958 had been finalised. As part of these cases 5,502 suspects had been arrested, while only 1,576 had been convicted.

Temporary Special Courts held during 2022 reduced some of this backlog. The year saw 364 cases registered and 247 cases finalised (see charts opposite). Of the finalised cases, 121 were concluded by the Special Courts held at Rundu (50 cases finalised), Katima Mulilo (30 cases finalised), Okahao (21 cases finalised) and Outapi (20 cases finalised)¹. These temporary successes in addressing the massive challenge of court-case backlogs motivated the concept of developing of a Permanent Wildlife Court in Namibia.

Initial impetus for the development of the permanent court dedicated to wildlife cases was given by the Environmental Crime Unit in the Office of the Prosecutor General. The timeline of progress includes the following milestones:

- **April 2023** – agreement between OPG, MoJ, Judiciary and funding partners regarding need for Permanent Wildlife Court; identification of potential government building in a suitable location in the town of Otjiwarongo

- **May 2023** – initial discussions regarding court needs and funding options; development and presentation of refurbishment concept; costing including quantity surveying; site visits and development of site plans
- **June–October 2023** – clarification of funding and procurement
- **November 2023** – site meeting by OPG, MoJ, Judiciary, and funding partners to approve site plans.

The development of the Permanent Wildlife Court has three main aspects:

1. renovation of an existing government building to house various offices, consulting rooms, strongroom, ablution facilities etc;
2. on-site assembly of a specially constructed courtroom using a drop-in method;
3. renovation of grounds to meet all security, parking, storage and service-supply needs.

Construction is scheduled to be completed during the first half of 2024, and the court should be operational by around mid-year.

The Permanent Wildlife Court is a central strategy to address the backlog of wildlife cases, but crime prevention initiatives and a more nuanced approach to handling transgressions will also play important roles (see also pp. 37–39).



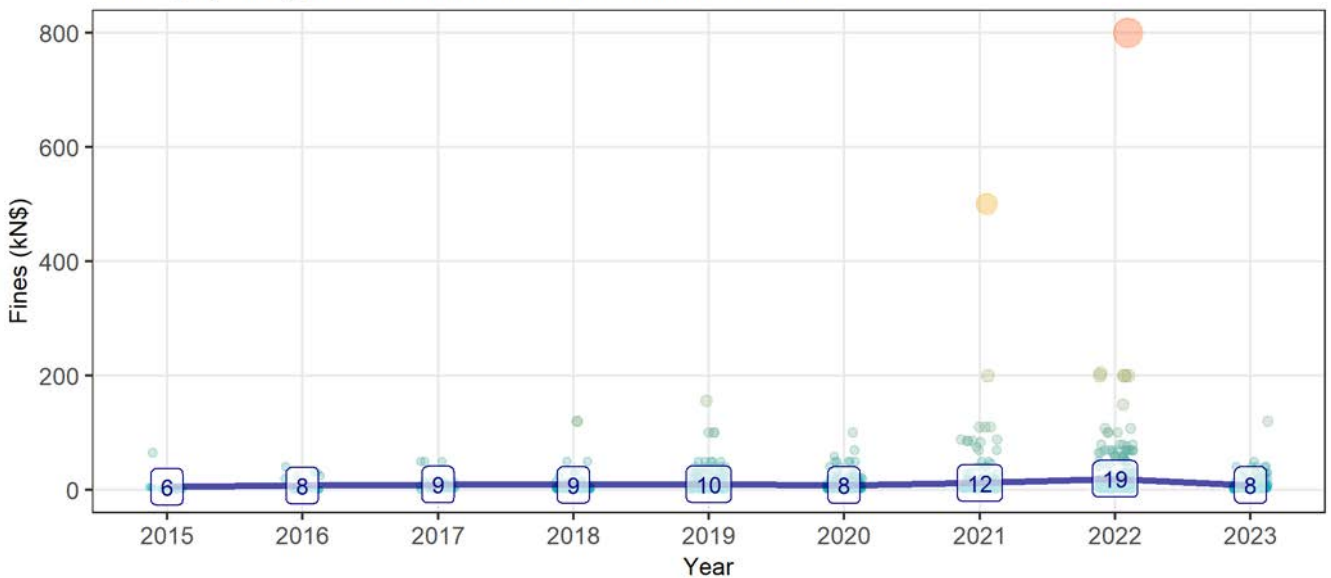
Wildlife-crime fines and prison sentences, and time between arrest and case finalisation

- **Fines and prison sentences** show the changes in the height of sentences over time; the time line (x-axis) indicates the date of sentencing; the colour and size of the dots varies according to the height of the sentence; small blue represent the lowest and large orange the highest; the blue line indicates the annual average; the graphs include all registered wildlife-crime cases and all related charges against perpetrators.
- The 2022 fine of N\$ 800,000 was in a pangolin-trafficking case registered in 2021, involving an Angolan national.
- The 2023 prison terms of 264 months (some sentences suspended) were in a rhino-poaching case registered in 2016, involving 4 Namibians.
- The average height of sentences increased for prison terms during 2022 and 2023, influenced in part by some exceptional sentences.
- **Time between arrest and case finalisation** may vary considerably, with some cases finalised in a matter of days, while others have taken 10 years to complete; the reasons for case duration and the causes of case delays are complex; the finalisation of very old cases in any given year increases the average for that year; this does not mean that case finalisation is getting slower; the finalisation of very old cases should in fact be seen as a positive trend.

8.12 Wildlife crime FINES (all categories)

Distribution of fine amounts (thousand N\$) per year

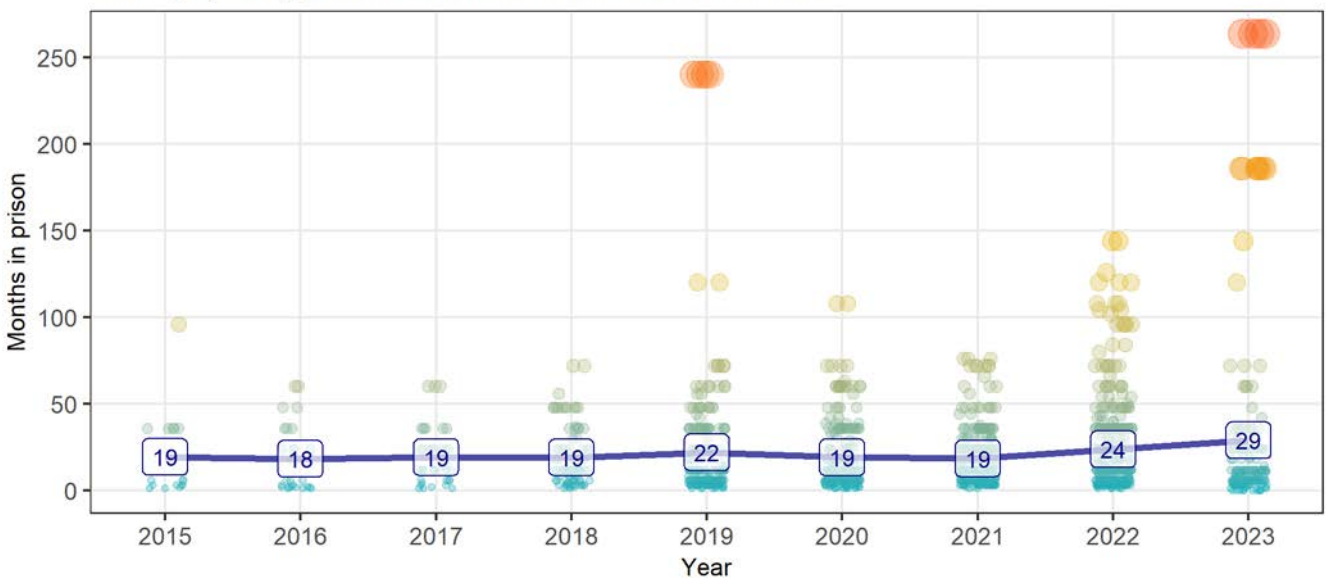
All cases; depicted by year of conviction. The blue line indicates the annual mean.



8.13 Wildlife crime PRISON SENTENCES (all categories)

Distribution of jail sentences (months) per year

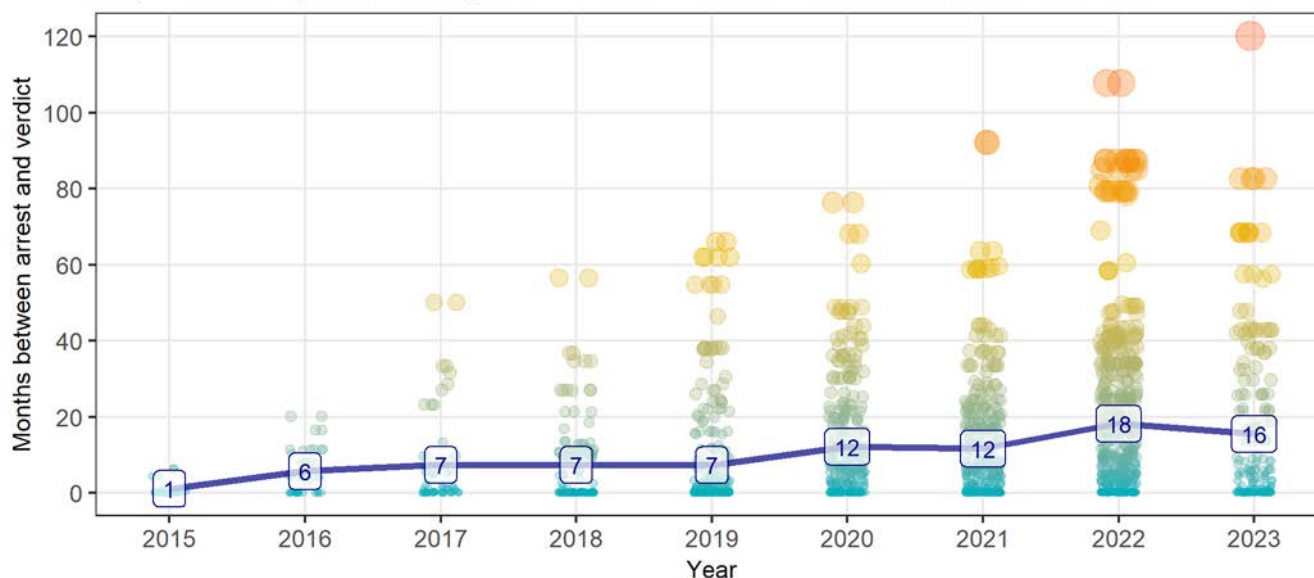
All cases; depicted by year of conviction. The blue line indicates the annual mean.



8.14 TIME BETWEEN ARREST and CASE FINALISATION (all categories)

Distribution of months passed between individuals' arrest and case finalization (all cases)

The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



B6. Diverging meat-poaching trends and perceptions

Bushmeat poaching is recognised as one of the biggest threats to wildlife populations in many parts of the world¹. Meat poaching is a complex sector, driven by diverging motivations, from incidental subsistence poaching for survival to well-organised commercial poaching for financial gain. Current data for registered meat-poaching cases shows a steady decline after a massive peak in 2019 (see p. 42). This data reflects only cases involving illegal killing of giraffe, buffalo, zebras, antelopes and warthog. A significant number of other species is killed for meat, with registered cases involving monitor lizards, aardvark, porcupine, springhare, hares, cane rat, and a variety of birds. Other small mammals are likely also killed for food.

Current data is believed to be an incomplete reflection of meat poaching for additional reasons. Anecdotal evidence suggests that many incidents remain undetected, while others are known but not reported, as landholders feel they have insufficient evidence to motivate case registration, that law-enforcement responses will be ineffective, or that reporting of powerful criminals will have negative repercussions². The ability to record cases is complicated by the fact that the entire carcasses of poached animals are often removed from crime scenes, at most leaving blood stains and tracks as evidence.

The infamous activity of roadside poaching at night, shooting animals from well-equipped vehicles using spotlights and rifles with silencers, is believed to be widespread in many areas

with relatively abundant game, including some national parks³. It is referred to in Afrikaans by the satirical descriptor '*jagters van die lang plaas*' (hunters of the long farm, with the road corridor representing the 'farm'). Such poaching is apparently used to supply meat to urban centres, where it is sold as '*kapana*' (meat grilled, sold and consumed at informal street markets), or laundered into commercial butcheries and sold at premium prices.

As part of its sustainable-use approaches, Namibia allows legal harvesting of game for meat. A few species (kudu, gemsbok, springbok, warthog, and some game birds) are defined as huntable game. These can be harvested by freehold farmers and registered community conservancies for own consumption throughout the year, and by visiting hunters during an annually defined winter hunting season. Trophy hunting is permitted throughout most of the year, with only January and December closed. Meat from animals shot as trophies is also sold legally via commercial butcheries. Permits are required for all offtakes except own-use on freehold land.

Attempts to bypass these legislative stipulations and launder illicitly harvested meat into the legal sector are widespread, adding complexity to the meat-poaching sector. Occasional arrests are recorded at police roadblocks, or through targeted investigations, but it is believed that here, too, prevalence is under-reported. All such illicit practices are putting wildlife in many parts of the country under significant strain.



Rural people eking out meagre livelihoods under harsh conditions often find themselves at the hard end of survival choices and law enforcement, while organised criminals with diverse means regularly manage to evade prosecution and appropriate punishment.



Subsistence poaching for food, registered as a criminal case, Kavango East Region, July 2023.

AI. SPECIAL FOCUS: THE CHALLENGE OF COURT-CASE BACKLOGS

**There are two ways to reduce the current backlog of wildlife cases on the court rolls:
1) finalise more cases 2) reduce the number of cases being registered.**

During 2023, some 96 wildlife cases were finalised by the courts. During the same period, 315 new cases were registered. Since 2015, there has been no single year during which more court cases were finalised than new cases registered. The backlog thus keeps steadily increasing, and clear targets need to be set to address it. While more cases need to be finalised more quickly, alternative strategies and approaches also need to be explored.

THREE TIMES AS MANY CASES ARE REGISTERED AS FINALISED

For any given period, an average of around three times as many wildlife-crime cases are registered as are finalised; similarly, around three-and-a-half times as many suspects are arrested as are convicted. Arresting suspects is only one step in the complex quest of countering wildlife crime. Finalising cases with appropriate sentences within a reasonable time is vital, but other strategies and approaches that reduce crime, and thus the number of cases being registered, are equally important. Proactive law enforcement was the correct first response to an unprecedented wave of wildlife crime. Ten years on, broader countermeasures are called for.

Ongoing global demand for illicit Namibian resources

Markets for Namibia's high-value-species products, including rhino horn, ivory, and pangolin products, are almost exclusively outside Namibia in far-away countries. Namibia thus has very limited abilities to influence demand, and can only counter attempts to meet the demand. Countermeasures must therefore remain ongoing until international demand is reduced. This places increased emphasis on ensuring that all Namibian initiatives are as effective as possible in protection, deterrence or punishment.

Demand for game meat lies within Namibia

The high demand for affordable, or alternatively illicit, game meat lies almost entirely within Namibia. This is a complex sector, which includes subsistence poaching by the rural poor, opportunistic poaching for own use, and well-organised commercial poaching to supply urban demand for meat. Different strategies are required to counter these activities, with law enforcement particularly important against organised crime, while initiatives that improve socio-economic conditions and community attitudes are also vital.

Cultural, socio-economic context condones violations

Wildlife and wildlife products are central to Namibian culture – as food, for ornamentation, and as tourism and hunting resources. The legal, sustainable use of wildlife is entrenched in the constitution. Collecting wildlife products for ornamental use is common, with limited awareness of its illegality. Active and ongoing awareness creation is required to minimise transgressions in this context.

Namibia's courts face systemic challenges

Organised wildlife crime at its current levels is relatively new in Namibia, while the current prevalence of subsistence poaching has not been experienced for decades. The large volume of cases that have been registered since 2015 is unprecedented and has created diverse challenges. Wildlife crime is only one component of serious criminal activity in the country, which also includes high rates of homicide, rape and domestic violence, fraud, burglary, stock theft and other crimes. Capacity limitations and efficiency constraints within the judiciary are compounding these challenges.

Reducing cases registered

The number of wildlife cases currently being registered can be reduced in a variety of ways, including:

- healthy socio-economic conditions
- sense of community ownership, benefits from and pride in resources
- protection of resources
- nuanced law enforcement
- deterrence of crime.

Finalising more cases

The number of cases currently being finalised can be increased in a variety of ways, including:

- efficient investigations and prosecutions
- efficient court proceedings
- dedicated courts for wildlife crimes.



A.1.1 REDUCING WILDLIFE CRIMES

A key strategy for countering wildlife crime and its far-reaching impacts is to reduce the prevalence of crime. Rigorous law enforcement is not the only, and in many cases not the best way to reduce crime. As the circumstances and seriousness of transgressions against wildlife legislation can vary tremendously, approaches to reduce offences should be nuanced, and cognisant of individual motivations, particular conditions and diverse influencing factors. The ultimate aim is not arresting people, but safeguarding biodiversity by reducing the impacts of crime.

CRIME PREVENTION

The ongoing prevalence of wildlife crime in Namibia, and its expansion into new sectors – despite active law enforcement and numerous arrests – is clear indication that rigorous law enforcement alone will not reduce crime. While law enforcement is vital, particularly in combatting organised criminal activity, further initiatives should be employed to reduce wildlife crimes. Interrelated sectors and factors include:

- **Improved socio-economic conditions**
 - poverty reduction – will reduce motivations for subsistence poaching and some other crimes
 - tangible legal benefits from wildlife – will reduce motivations for subsistence poaching and some other crimes.
- **Vigilant wildlife protection**
 - community pride and vigilance – helps detect and discourage criminal activity
 - security infrastructure – inhibits criminal access
 - law enforcement – detects criminal activity and inhibits criminal access.
- **Active crime deterrence**
 - community pride and vigilance – rejects involvement in crime
 - security infrastructure – discourages crime
 - law enforcement – disrupts & discourages crime
 - appropriate sentences – discourage involvement in crime.
- **Increased awareness of key issues**
 - public awareness – reduces inadvertent transgressions & facilitates community pride and vigilance
 - law-enforcement awareness – facilitates nuanced handling of cases according to conditions & needs
 - judiciary awareness – facilitates appropriate sentences that act as suitable punishment & deterrent, & protect public interests.
- **Dismantling of demand chain**
 - identifying and dismantling higher-level actors
 - transnational investigations with neighbouring and destination countries.

A NUANCED APPROACH TO WILDLIFE CRIMES

Current law-enforcement approaches tend to advocate the arrest of all suspects, irrespective of the circumstances of a particular case or the seriousness of a particular transgression. Yet many transgressions include no criminal intent, and should not be categorised as serious wildlife crimes. Unfortunately, current legislation does not always make clear distinctions in this regard. Active awareness creation is vital in addressing some issues, while periods of amnesty to register or hand in controlled wildlife products can resolve some infringements. Others may require a revisions to applicable legislation. Transgressions in the following categories are of relevance:

- **Inadvertent transgressions**
 - cultural items or family keepsakes (e.g. skins or skulls of protected species) kept without permits
 - illegal wildlife products collected as personal decorative mementos (e.g. whale bones, porcupine quills, ostrich eggs)
 - species such as tortoises, kept as personal pets without permits.
- **Defending life and livelihoods – human-wildlife conflict**
 - avenging or pre-empting loss of livestock, crops or other damage by killing wildlife (e.g. shooting elephants that raid fields or predators that kill livestock); the animals/products are not trafficked; legislation entitles individuals to take actions to protect human life and livelihoods, but with clear conditions that are not always upheld; human-wildlife conflict is a conservation challenge, and requires parallel mitigating approaches.
- **Poaching for survival**
 - poor people poaching directly for own consumption; subsistence poaching is as much a socio-economic issue as it is a wildlife transgression, and requires parallel mitigating approaches.
- **Negligent permit compliance**
 - people with legal access to wildlife may exhibit permit negligence without criminal intent.

In many instances, the above categories can – and should – be handled without criminal charges.



A1.2 FINALISING MORE CASES

A Permanent Wildlife Court is being developed at Otjiwarongo to help deal with the large and growing backlog of wildlife cases on the court rolls. Temporary Special Courts for wildlife cases, held at several locations during 2022, have shown that dedicated courts can contribute significantly to overcoming the challenge of case backlogs. The reasons for substantially slower case finalisation than case registration are complex, however, and the Permanent Wildlife Court should be seen as only one of a range of strategies to reduce wildlife-crime cases.

REDUCING COURT-CASE DELAYS

Many factors influence the duration of a court case. Some of these are systemic limitations within the judicial structure. Others can be addressed through improved systems and approaches. Factors that may delay court cases include:

- Courts set trial schedules several months in advance; these usually include several different cases to be heard in one day; if a case is postponed, there is likely to be another interval of several months before the next hearing.
- Securing legal representation for suspects often causes delays.
- Securing court interpreters for suspects or witnesses who are only able to testify in their local language may cause delays; all suspects and witnesses have the legal right to an interpreter.
- Changes of magistrate, prosecution or defence may cause delays.
- Complex cases, including those related to high-value species, are generally transferred from local to regional courts, causing delays.
- Sensitive cases, including those related to rhinos, must be submitted to the PG's Office for guidance.
- The occasional absconding of accused out on bail will cause delays until the accused can be re-arrested.
- The legal unavailability of witnesses due to illness or other reasons may cause delays.
- The need for further investigations and the arrest of additional suspects in complex cases will cause delays.
- Further investigations to gather additional evidence or arrest additional suspects in complex cases can take considerable time, causing delays.
- Forensic analyses of evidence at specialised forensic laboratories (DNA, ballistic analyses etc.) may take considerable time to be completed, causing delays.

Close collaboration between investigations and prosecutions improves the efficiency and effectiveness of processing cases, reducing the time needed to finalise cases. Aspects that fall under the auspices of the judiciary need to be addressed at that level.

A PERMANENT WILDLIFE COURT

The month-long temporary Special Courts held at Okahao, Outapi, Katima Mulilo and Rundu during 2022 finalised 121 wildlife-crime cases¹. In all other years since 2015, the total number of completed cases was below 200, while the number of newly registered cases was well above 200 for every year since 2018, with a peak of 495 cases registered in 2019. During 2023 only 96 wildlife cases were finalised, while 315 new cases were registered. Clearly, courts dedicated to hearing wildlife crimes can make a substantial difference in finalising cases and addressing case backlogs.

This has motivated the development of a Permanent Wildlife Court, dedicated to wildlife cases. The town of Otjiwarongo was chosen as the strategically suitable location, as wildlife-crime prevalence has been significantly higher in the northern half of Namibia than in the south. The Permanent Wildlife Court is a joint initiative between the mandated government agencies, support NGOs and international funding partners. The court will be equipped with state-of-the-art equipment and technologies, including remote-witness capabilities, to ensure effective and efficient handling of cases. The inauguration is scheduled for mid-2024.

The Permanent Wildlife Court represents another step in the long line of investments made by the Namibian government, with ongoing support from the public, NGOs and international partners, to effectively counter the surge in wildlife crime experienced over the past decade. Other ongoing initiatives have included the deployment of national security forces in an anti-poaching capacity to priority wildlife ranges, the revision of wildlife legislation to create a stronger legal framework, and the creation of new government entities – NAMPOL–MEFT Blue Rhino Task Team; MEFT Wildlife Protection Services Division; MEFT Intelligence and Investigation Unit; MEFT Waterberg Law Enforcement Training Centre; MEFT Dog Unit; OPG Environmental Crime Unit.

All of these initiatives are only as effective as the personnel implementing them. The effective long-term control of wildlife crime depends on a sound understanding of its serious, complex and far-reaching impacts – and innovative ways to address these.



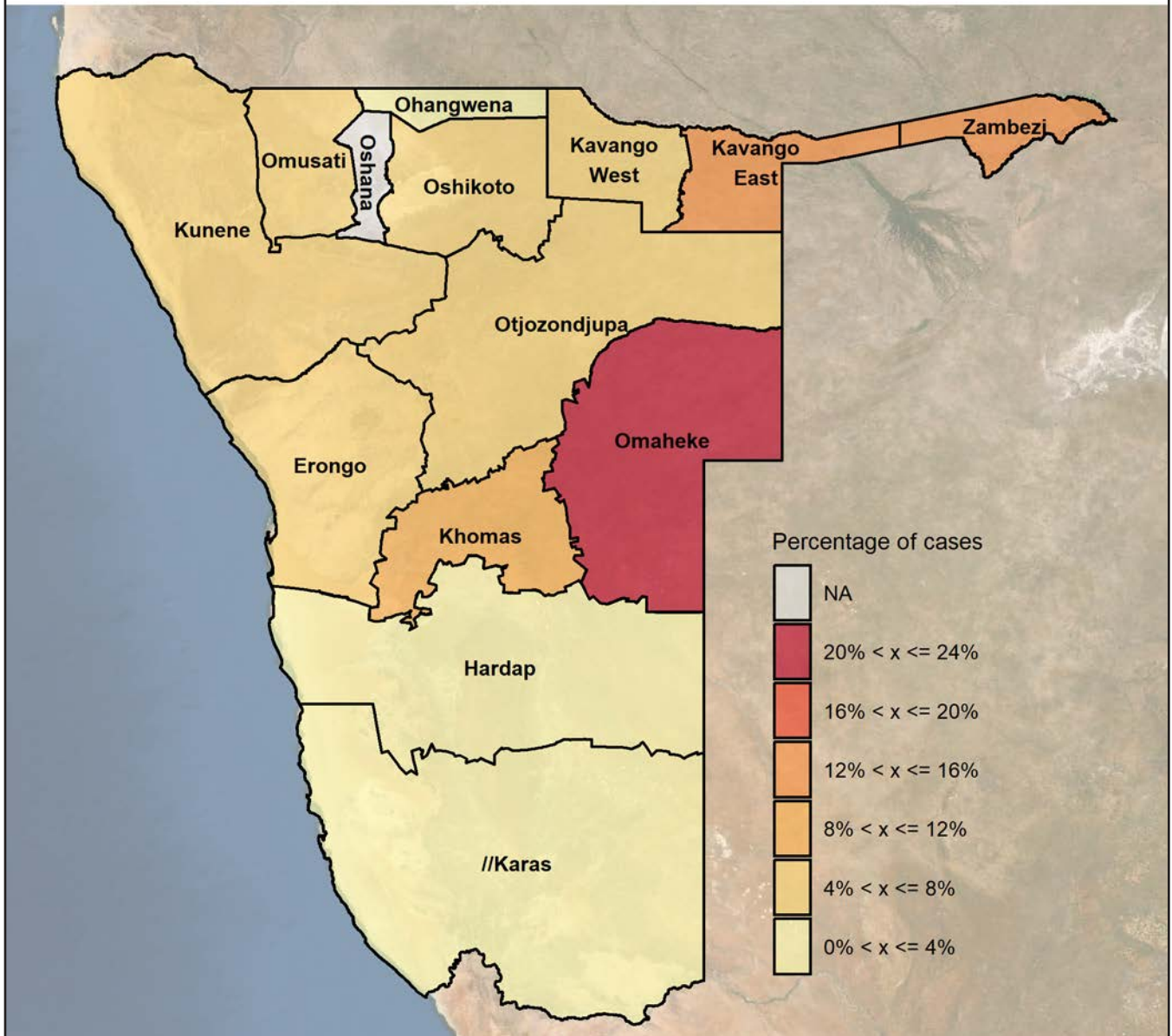
9. MEAT POACHING TRENDS 2015–2023

9.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to MEAT POACHING during 2023

Regional distribution of meat-poaching cases

- Statistics in the category meat poaching encompass giraffe, buffalo, zebras, antelopes and warthog.
- Meat poaching is prevalent right across Namibia, but case registration is currently most prolific in the Omaheke Region.
- The map indicates the regions in which cases were registered, not necessarily where the crimes were committed.
- Significant differences in the number of cases registered in various regions may be influenced by a range of factors, including:
 - Wildlife densities are generally lower in the southern and central-northern regions than other regions of the country, resulting in fewer opportunities for meat poachers
 - Different regions have varying degrees of wildlife protection; in some regions local landholders work more closely with law-enforcement personnel to report and follow up on poaching incidents than in other regions
 - It is believed that there is a significant degree of under-reporting in meat-poaching cases, with registered cases giving a skewed reflection of the actual prevalence of meat poaching.

Regional distribution of wildlife crime cases registered in 2023 (only cases related to meat poaching)



Commercial, highly organised meat poaching to supply the demand for protein at affordable prices in urban areas is a massive challenge, which is believed to suffer from a high degree of under-reporting as the only evidence of an incident often consists of some tracks and blood stains.



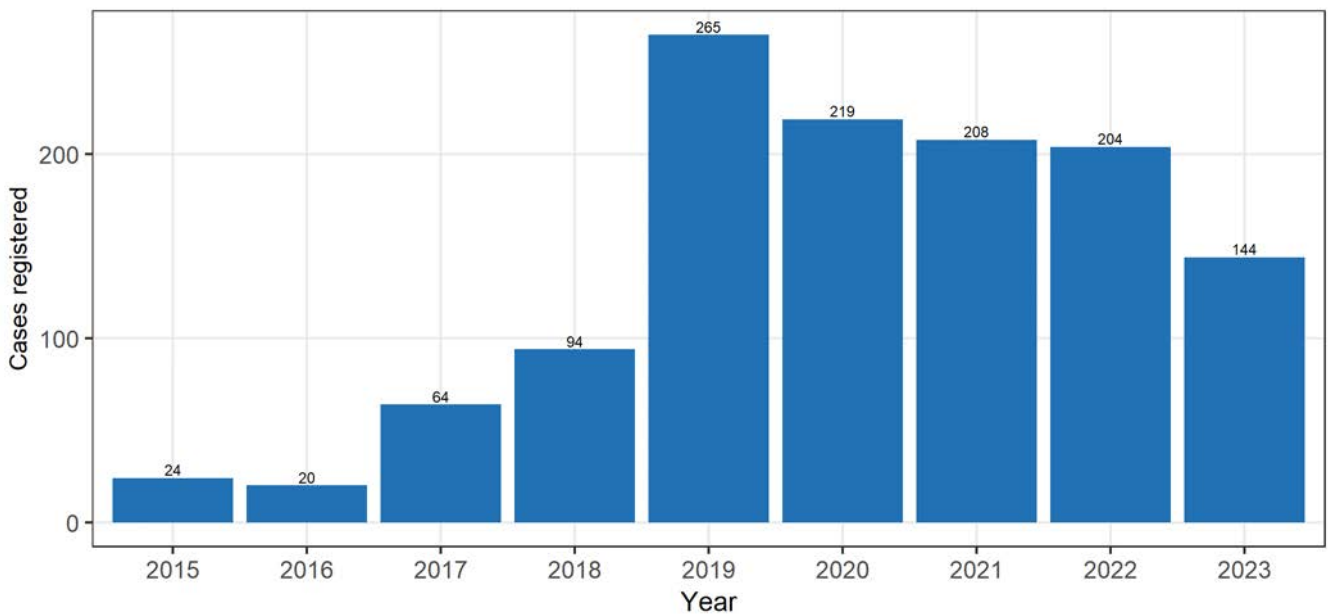
Arrest of suspects and seizure of a vehicle and poaching equipment in an organised meat-poaching case, Zambezi Region, August 2023.

Meat poaching cases, arrests and convictions

- **Cases registered related to meat poaching** have escalated alarmingly over the past decade, with a massive spike in 2019; the downward trend since then is likely to be the result of a variety of factors, including an improved law-enforcement response to the escalation, a more concerted response by land holders who are working more closely with NAMPOL and MEFT, and the effects of heightened police checks; anecdotal evidence indicates that there may be a high degree of under-reporting in this sector.
- **Annual arrests vs. current conviction status** (as at 1 April 2024) indicates that the very high number of arrests has exceeded the ability of the judiciary to finalise cases and convict perpetrators; of the 2,741 suspects arrested since 2015, only 934 (34%) had been convicted by 1 April 2024.

9.2 CASES REGISTERED (meat poaching)

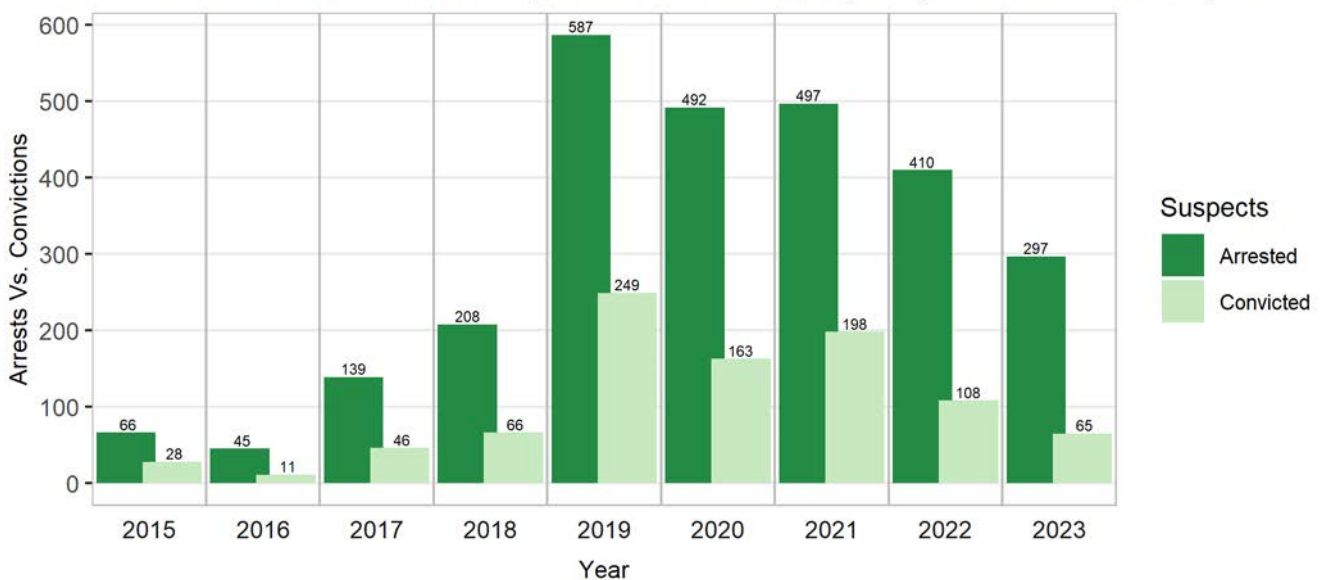
Wildlife crime cases registered per year (meat poaching cases only)



9.3 ARRESTS versus CONVICTIONS (meat poaching) [current status on 1 April 2024]

Annual arrests vs. their current conviction status (meat poaching cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



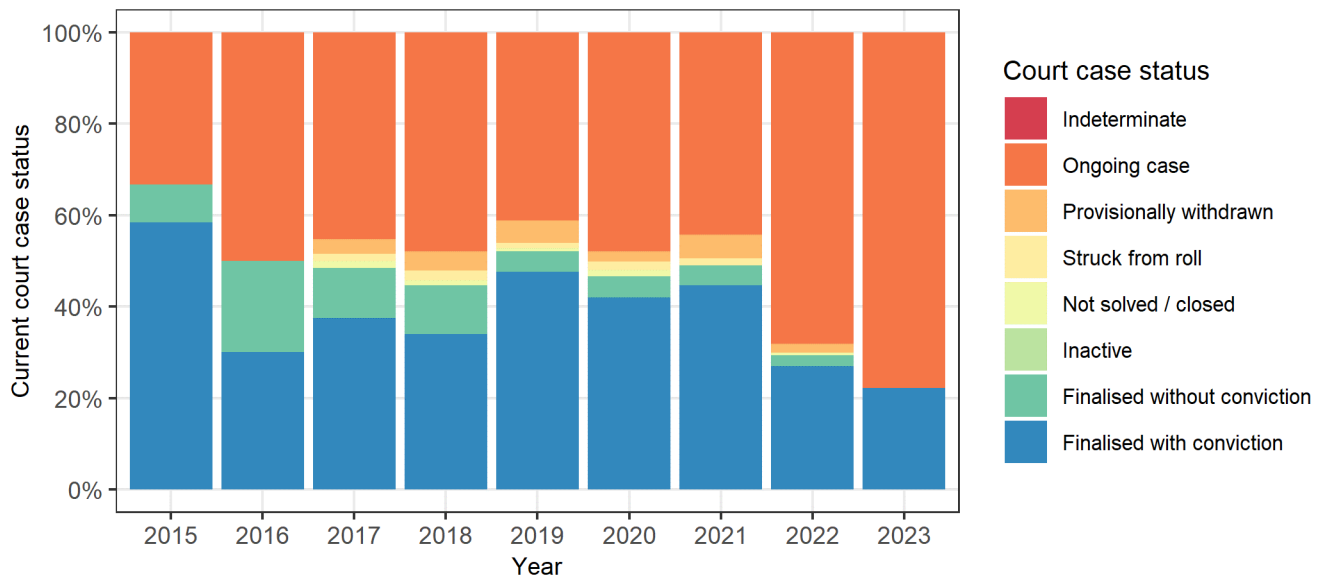
Current case status and time between arrest and case finalisation in meat-poaching cases

- **Current case status** (as at 1 April 2024) is shown as a percentage of cases registered per year; for example, of all cases registered in 2015, 58.4% had been finalised with convictions by 1 April 2024, 8.3% had been finalised without a conviction, and 33.3% of cases were ongoing; ideally the percentage of finalised cases should increase with time, so that earlier years should have no or very few ongoing cases; indeterminate indicates a current status that has not yet been defined in the database.
- **Time between arrest and case finalisation** is generally shorter in meat-poaching cases than other organised wildlife-crime categories, as this involves more limited trafficking chains and fewer intermediaries; cases are on average finalised within a year; the finalisation of very old cases in any particular year obviously increases the average for that year, in some instances significantly; extremely lengthy cases, such as those finalised more than 120 months after the arrest, are isolated cases in which failures within the justice system occurred.
- The substantial increase in the annual mean for 2022 was produced by a significant number of old cases being finalised by Special Courts during that year.

9.4 CURRENT CASE STATUS (meat poaching) [current status on 1 April 2024]

Current court case status as percentage of cases registered per year (meat poaching cases)

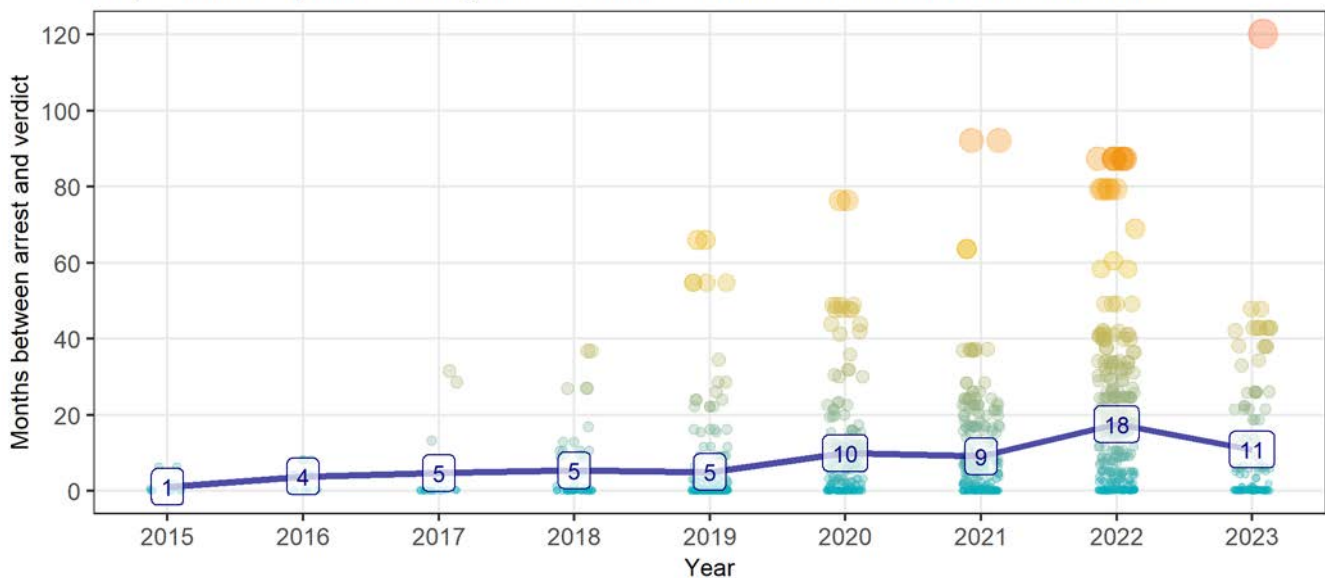
(Bar position indicates the year of case registration)



9.5 TIME BETWEEN ARREST and CASE FINALISATION (meat poaching)

Distribution of months passed between individuals' arrest and case finalization (meat poaching cases)

The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



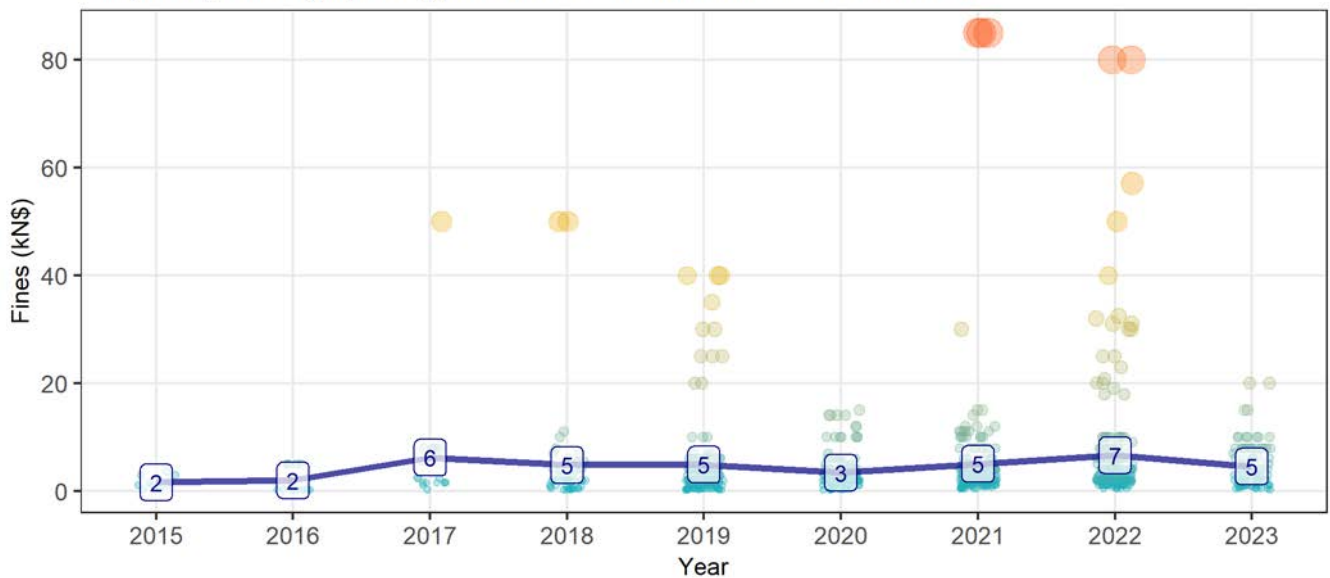
Sentences for meat poaching

- The category meat poaching encompasses giraffe, buffalo, zebras, antelopes and warthog; different species in this category have different conservation statuses; for example, three antelope species, kudu, gemsbok and springbok, are currently classified as huntable game, as are warthog; poaching of these species carries lower maximum penalties than poaching of protected or specially protected game.
- The circumstances of the accused play an important role in sentencing; some perpetrators are rural poor with limited means, who may have been driven by hunger to poach for meat.

9.6 FINES (meat poaching)

Distribution of fine amounts (thousand N\$) per year

Meat poaching cases only; depicted by year of conviction. The blue line indicates the annual mean.



9.7 PRISON TERMS (meat poaching)

Distribution of jail sentences (months) per year

Meat poaching cases only; depicted by year of conviction. The blue line indicates the annual mean.



B7. Status update – general wildlife protection in Namibia

On the one hand, wildlife is a central component of rural economies in Namibia, promoting conservation and healthy wildlife populations on freehold and communal land, and in state-protected areas¹. On the other hand, Namibia has one of the highest disparities between rich and poor in the world². Widespread poverty in rural areas contrasts sharply with numerous businesses that thrive on our country's diverse and abundant wildlife. Adding to this, threats from wildlife (danger to people, livestock, crops and infrastructure) often outweigh the benefits for rural communities coexisting with that wildlife. Many rural communities lack the financial resources to mitigate conflicts, for example through predator-proof fences or elephant-proof water infrastructure.

Furthermore, the high value of wildlife in the legal utilisation sector is eliciting illegal activities, as players seek to side-step laws to increase financial returns. The combination of such factors is resulting in a complex set of criminal activities related to wildlife, which can not be easily captured as definitive data or reflected in charts.

Bushmeat poaching is generally seen as one of the biggest threats to wildlife populations worldwide³ (see also p. 35), yet the intricacies of wildlife use and abuse in Namibia demand a nuanced evaluation of the status of general wildlife protection in our country. Law enforcement related to subsistence poaching, where people kill wildlife to have food to eat, is one of the most ambivalent aspects of countering wildlife crime.

Closely related to these issues is the handling of human-wildlife conflict incidents, where wildlife is killed by farmers as a preventative or retaliatory measure. While legislation entitles individuals to take certain actions to protect human life and livelihoods against wildlife, this is linked to stringent requirements regarding the methods used, as well as reporting of such incidents.

Some trophy-shooting operators, game dealers, and people in auxiliary sectors transgress laws and permit requirements, adding another layer to wildlife protection and law-enforcement needs (see also p. 31). Such activities blur the lines between legal wildlife use and poaching, harming Namibia's conservation and tourism reputation.

Cases classified as meat-poaching (illegal killing of giraffe, buffalo, zebras, antelopes and warthog) made up 37 per cent of all cases registered during 2023. This is not a comprehensive reflection, as many other animals are poached for meat (though generally in lower numbers),

including birds, reptiles and other mammals. It is believed that there is significant under-reporting of meat poaching in Namibia, due to various factors (see also p. 35).

While meat-poaching motives are not differentiated in the data, commercial poaching to supply significant quantities of meat to urban centres is considered a massive, under-reported issue. Pressure on wildlife from meat poaching is undoubtedly high, as is the concomitant challenge for land holders, law enforcement and the judiciary.

The markets for illegal meat lie almost entirely within Namibia (in contrast to high-value-species markets), making it possible to influence market demand and other drivers of this complex sector.

Wildlife protection in Namibia clearly faces challenges, complicated by varying land tenures and land uses, and by the sheer vastness of this country. The overall population numbers of many species are highest outside state-protected areas, yet Namibia's flagship parks protect the highest densities of historically occurring indigenous species, and are generally best placed to protect these. Many community conservation areas are still home to elephant, hippo, crocodile, lion and spotted hyaena, which have been eradicated from most freehold land due to the conflicts they potentially create. Wildlife occurrence generally varies widely on freehold land. Private reserves protect high wildlife densities (often including exotic species) in fenced 'islands', while wildlife numbers are mostly low on land focussing on agricultural outputs.



A large portion of meat-poaching cases in Namibia involves poor communities poaching wildlife for direct consumption.



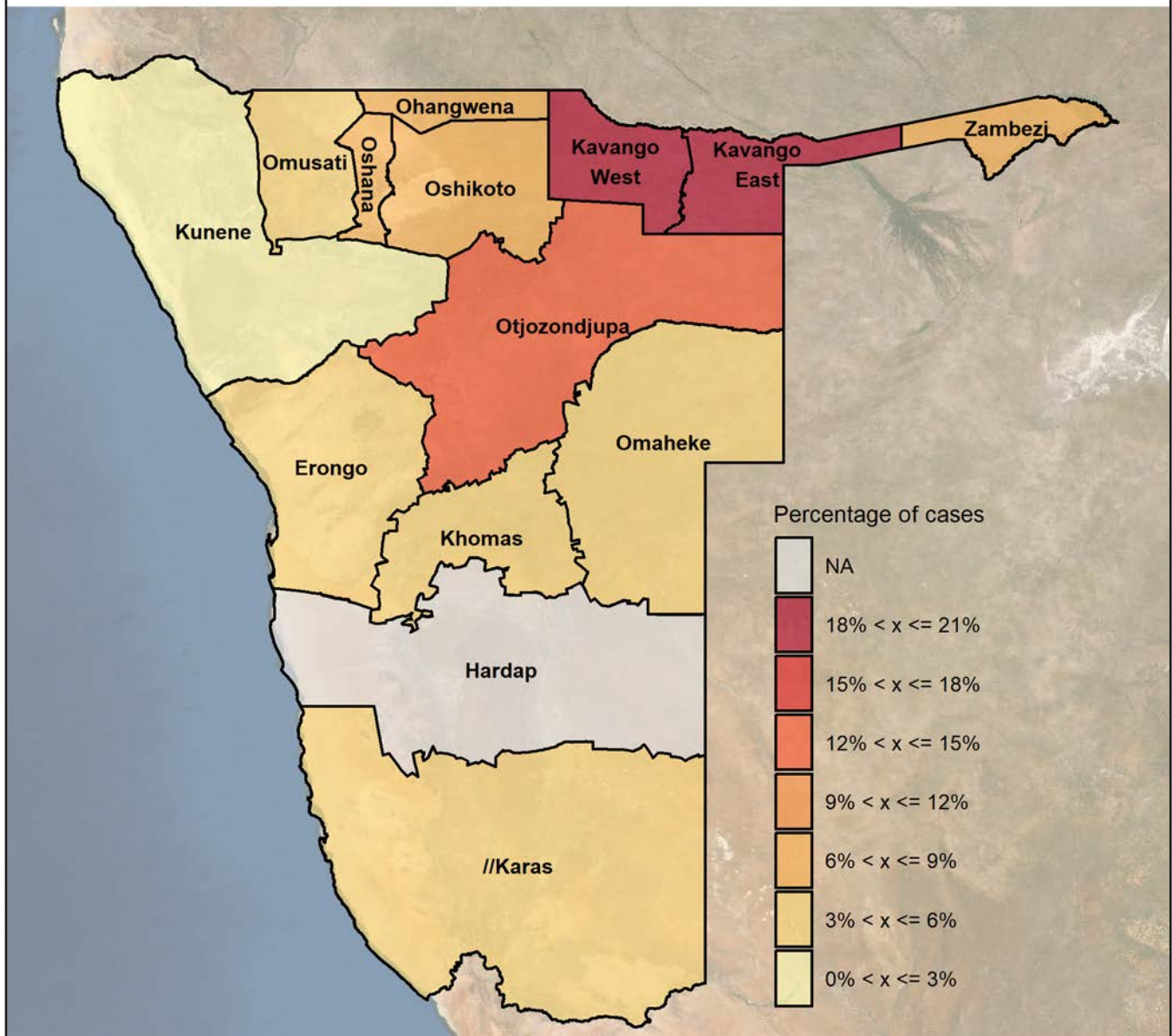
10. PANGOLIN POACHING AND TRAFFICKING TRENDS 2015–2023

10.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to PANGOLIN during 2023

Regional distribution of pangolin cases

- Pangolin are believed to occur in all regions of Namibia, although there is currently only limited knowledge of population densities.
- The map indicates registered cases of pangolin trafficking, which do not necessarily reflect pangolin distribution in the regions.
- Pangolin scales, skins or live animals may have been transported over large distances after the animals were poached; seizures may regularly occur in different regions to where the animals or products were first collected in the wild.
- The high prevalence of pangolin trafficking in the Kavango East and West regions may represent a community misperception of the local demand for pangolin products, possibly combined with relatively high pangolin occurrence in these regions.
- The prevalence of pangolin trafficking in regions bordering Angola and Zambia is influenced in part by some products being brought into Namibia from neighbouring countries for intended sale, as some instances of this have been recorded.

Regional distribution of wildlife crime cases registered in 2023
(only cases related to pangolin poaching/trafficking)



The drivers of the pangolin trade in Namibia remain speculative; most pangolin-product seizures are an outcome of sting operations that result in local community members being arrested for attempting to sell products to undercover law-enforcement personnel.

Pangolin skin offered for sale to undercover law enforcement, Omusati Region, June 2023.



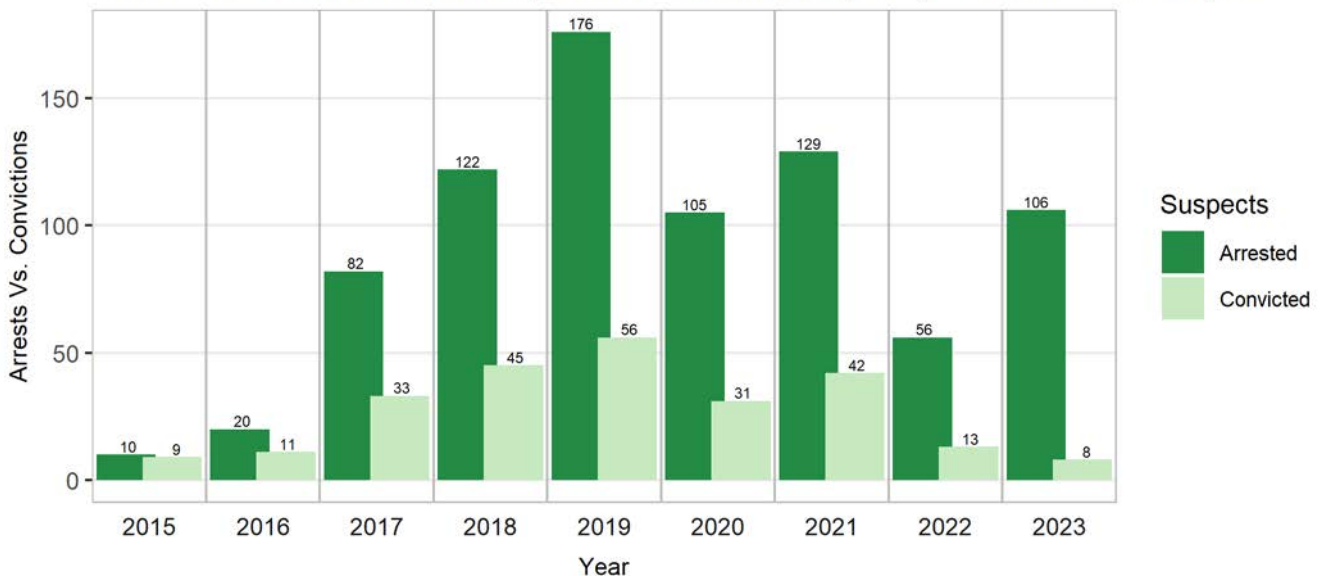
Arrests, convictions and seizures related to pangolin

- **Annual arrests vs. current conviction status** (as at 1 April 2024) indicates that while convictions in pangolin cases still lag far behind arrests, convictions are gradually increasing as cases are being successfully finalised; 90% of suspects arrested in 2015, 55% of suspects arrested in 2016 and 40% of suspects arrested in 2017 had been convicted by 1 April 2024; while not all cases result in convictions, the conviction rate of finalised cases is high (see also 10.4, opposite).
- **Seizures** of pangolin skyrocketed between 2015 and 2019, mirroring international trends¹; a reduction in seizures during 2020 and 2021 is attributed in part to the effects of the COVID-19 pandemic, a significant reduction in arrests and seizures during 2022 is likely to have been driven at least in part by substantial deterrent sentences handed down by Special Courts, as well as similar judgements later in the year; the reality that seizures increased again in 2023 indicates the complex drivers of the sector.
- Arrests are almost always related to seizures of pangolin products and their trends are closely linked.

10.2 ARRESTS versus CONVICTIONS (pangolin) [current status on 1 April 2024]

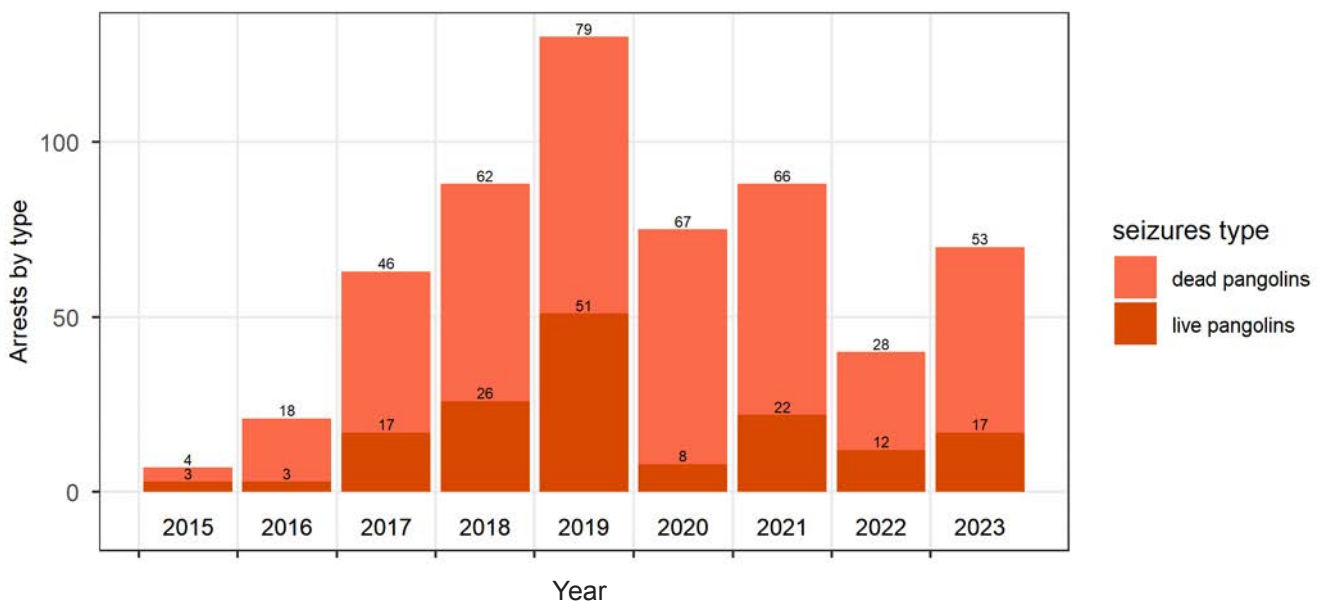
Annual arrests vs. their current conviction status (pangolin cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



10.3 SEIZURES (pangolin)

Annual seizures of live and dead pangolins



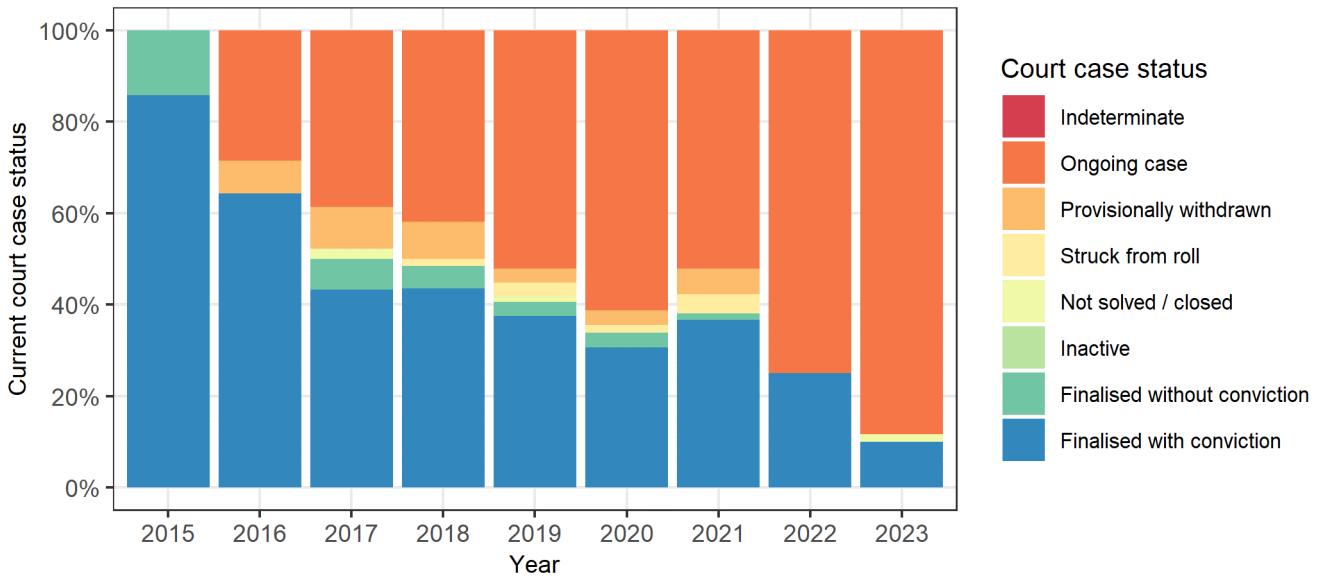
Current case status and time between arrest and case finalisation in pangolin cases

- **Current case status** (as at 1 April 2024) shows a slow but positive trend for pangolin cases; all cases registered in 2015 have been finalised, 86% with convictions; more recent years have progressively lower finalisation rates, as cases take time to be completed; the percentage of convictions remains high for all finalised cases; indeterminate indicates a current status that has not yet been defined in the database.
- **Time between arrest and case finalisation** has varied significantly in recent years, though this is generally shorter than for elephant and rhino; the finalisation of very old cases in any given year increases the average for that year; this does not mean that case finalisation is getting slower; the finalisation of very old cases should in fact be seen as a positive trend; the extremely drawn-out cases finalised in 2022 are anomalies in which failures within the justice system occurred.
- Once the considerable backlog of cases has been reduced and all long-running cases have been finalised, the average time between arrest and case finalisation should ideally remain below 12 months.

10.4 CURRENT CASE STATUS (pangolin) [current status on 1 April 2024]

Current court case status as percentage of cases registered per year (pangolin cases)

(Bar position indicates the year of case registration)



10.5 TIME BETWEEN ARREST and CASE FINALISATION (pangolin)

Distribution of months passed between individuals' arrest and case finalization (pangolin cases)

The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



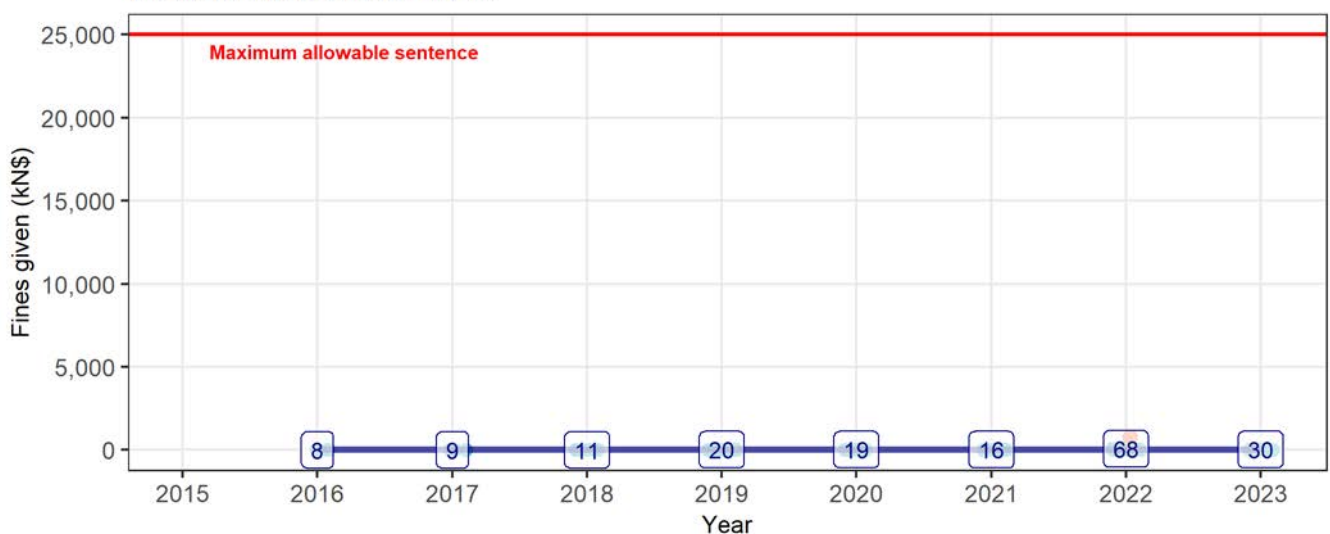
Maximum versus actual sentences for pangolin trafficking

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation, and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Most perpetrators of pangolin trafficking are rural community members with extremely limited financial means; high fines in these cases are meaningless, as the perpetrators are generally unable to pay even a relatively modest fine.
- Prison terms of between four and six years are already significant punishment for a rural community member attempting to escape poverty; during 2022, fines of up to N\$ 800,000 and prison terms of up to nine years were pronounced.
- The maximum sentences of N\$ 25,000,000 and 25 years imprisonment have never been applied; these are generally reserved for complex crimes perpetrated by ruthless transnational criminals, not local community members.
- The Special Courts held in 2022 delivered significant deterrent sentences which raised the annual mean of fines and prison terms substantially; some comparable jail sentences passed in 2023 have kept average imprisonment above 40 months.

10.6 MAXIMUM versus ACTUAL FINES (pangolin trafficking)

Distribution of fines (N\$) issued for illegal possession and dealing of pangolin products

Charges were laid under Section 4 (1)(a) and (1)(b) of the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable fine as per the Act. The blue line indicates the annual mean.



10.7 MAXIMUM versus ACTUAL PRISON TERMS (pangolin trafficking)

Distribution of imprisonment (months) issued for illegal possession and dealing of pangolin products

Charges were laid under Section 4 (1)(a) and (1)(b) under the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable imprisonment as per the Act. The blue line indicates the annual mean.



B8. Status update – pangolin protection in Namibia

Pangolins continue to rank second behind rhinos amongst the wildlife most-targeted by poachers in Namibia in terms of the number of cases registered in 2023. After a significant drop in cases during 2022, which was attributed largely to the stern deterrent sentences delivered by the Special Courts during that year¹, pangolin seizures have again increased dramatically in 2023.

DNA sampling of pangolin shipments seized in Asia have thus far shown that the majority originate from western and central Africa². While extensive DNA sampling has even led to the discovery of a new pangolin species in Asia³, pangolins specifically from Namibia have not been clearly identified at end markets or along trade routes. Urgent research is needed to better understand the dynamics of the pangolin trade in Namibia, and what markets poached animals are intended for: This will enable a more targeted, proactive approach to countering pangolin poaching than simply arresting poachers or traffickers. Currently nearly all pangolin seizures are achieved either directly through arrests of suspects offering pangolin products for sale, or as one component of seizures of various wildlife products during targeted operations. In sharp contrast to the rhino-horn trade, no trade routes out of Namibia have been identified for pangolin.

Pangolin seizures show a degree of fluctuation throughout any year (independent of the 2022 drop in seizures). It has been suggested that the driest months are most conducive to pangolin poaching – and seizures may be highest at this time. Pangolins are small and inconspicuous, and largely night-active. Even when active around dusk or dawn, their earthy colour and rounded form means they blend in well, and are easily overlooked amongst vegetation. Yet when ground-covering vegetation becomes scarce during the driest months, and pangolins become more day-active in search food, the scaly anteaters become more visible – and more accessible for poachers. The severe drought of 2019 may have contributed to the spike in pangolin seizures (amongst other factors), when more pangolin sightings were also reported by the public⁴.

Pangolin poaching is believed to be mostly opportunistic, i.e. rural people who come across a pangolin see this as an opportunity to make money, pick up the animal and attempt to sell it. It has become common knowledge that pangolins are valuable, and some soliciting of pangolin products is likely to also take place. Yet there are currently no indications of specialist pangolin hunters in Namibia, although such specialisation has been reported from other countries⁵. In sharp contrast to rhino poaching and horn trafficking, repeat offenders and syndicate

operations have not been recorded amongst Namibian pangolin poachers and traffickers.

While the incidence fluctuates, some pangolins continue to be trafficked alive, presenting an opportunity to save the poached animals. In 2019, live pangolins made up more than a third of all seizures, while in 2023, this was less than a quarter. Important progress has been achieved in pangolin rehabilitation and release after seizures. Post-release monitoring has highlighted the complexity of pangolin rehabilitation, as well as the dangers of 'hard releases' (immediate release without rehabilitation). Based on this work, improved rehabilitation and release protocols have reduced mortalities, with carefully rehabilitated animals having the highest survival rates⁶.

The distribution and density of pangolins in Namibia continues to be based largely on anecdotal and incidental evidence. The health of the population outside a limited number of isolated research sites is not known. This makes pangolin-protection initiatives in their natural habitats challenging, particularly outside protected areas. It is suspected that pangolin numbers in many small-stock farming areas of southern Namibia have been drastically reduced by electric fences, installed in recent decades to keep out jackal and caracal⁷. Research indicates that it is possible to install fences in a way that they remain effective against predators while significantly reducing threats to small wildlife⁸.

All of these factors suggest that pangolin protection and law enforcement can be improved through targeted research, awareness campaigns and related interventions.



Pangolin seizures increased substantially during 2023, after a low in 2022 that had been achieved in part through deterrent sentences from Special Courts



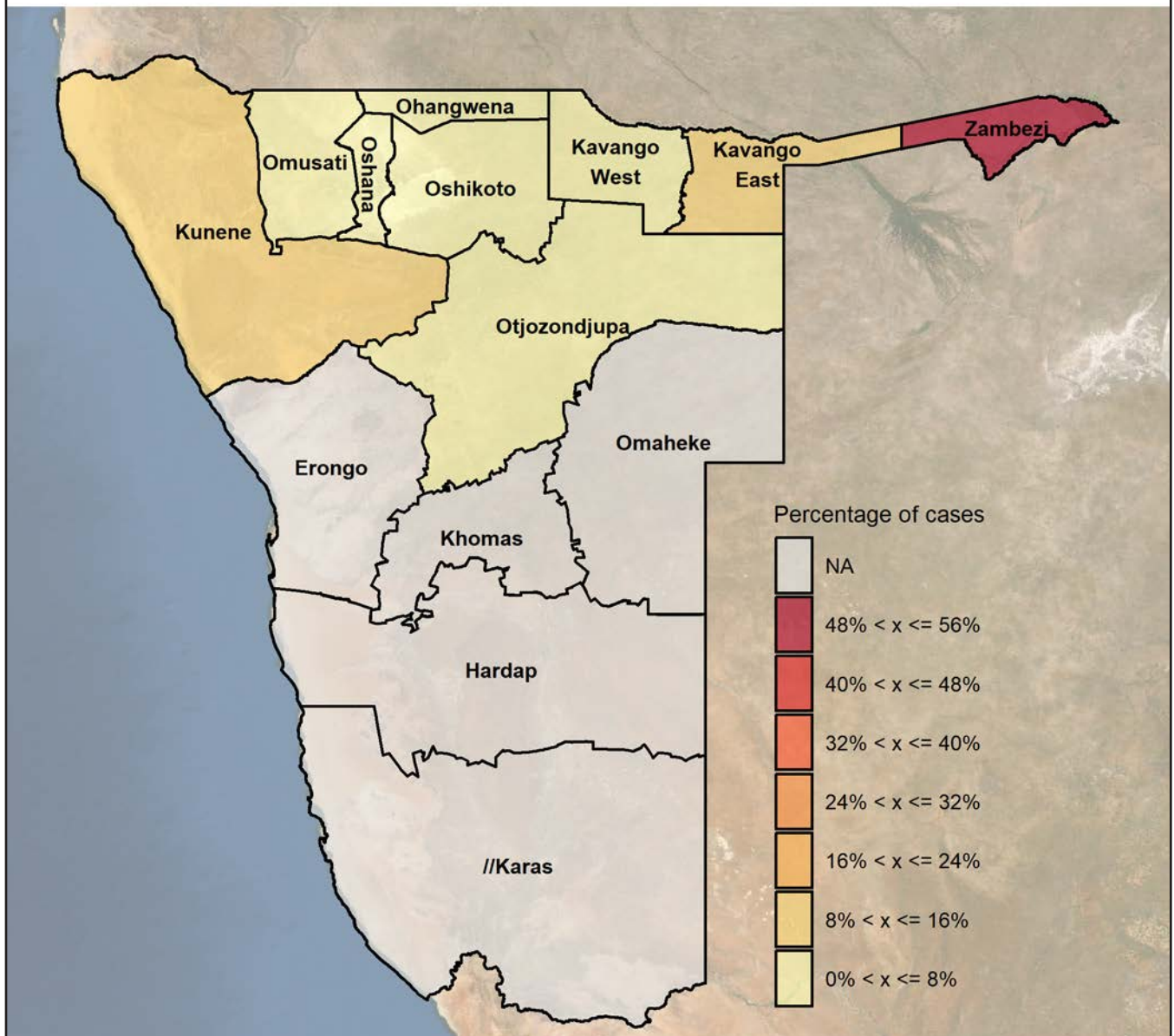
II. ELEPHANT POACHING AND TRAFFICKING TRENDS 2015–2023


II.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to ELEPHANT during 2023

Regional distribution of elephant cases

- Elephant occur mainly in the northern half of Namibia in four partly interlinked sub-populations:
 - Bwabwata, Mudumu and Nkasa Rupara national parks and adjacent community conservancies and communal farming areas (this population exhibits significant seasonal transboundary movement)
 - Khaudum National Park and adjacent community conservancies and communal farming areas
 - Etosha National Park and adjacent community conservancies and communal and freehold farming areas
 - Erongo–Kunene Community Conservation Area and adjacent communal and freehold farming areas.
- The number of elephants poached in Namibia has been reduced to very low levels, yet ivory trafficking remains prevalent.
- The map indicates where cases of elephant crimes (mostly ivory trafficking) were registered, and does not reflect elephant distribution.
- Significant amounts of ivory originate outside Namibia and are brought into the country for attempted illicit sale or onward trafficking.
- Ivory trafficking is currently most prevalent in the Zambezi Region, with significant seizures registered in Zambezi during 2023.

Regional distribution of wildlife crime cases registered in 2023
(only cases related to elephant poaching/trafficking)





Seizure of 24 elephant tusks intercepted while being trafficked into Namibia from Botswana, November 2023.

A number of significant ivory seizures (consisting of ten or more large tusks) were achieved in 2023; collaborative transnational investigations confirmed that the tusks originated from elephants killed in neighbouring countries, with Namibia's Zambezi Region being used as a springboard for poaching incursions, as well as a trafficking thoroughfare.

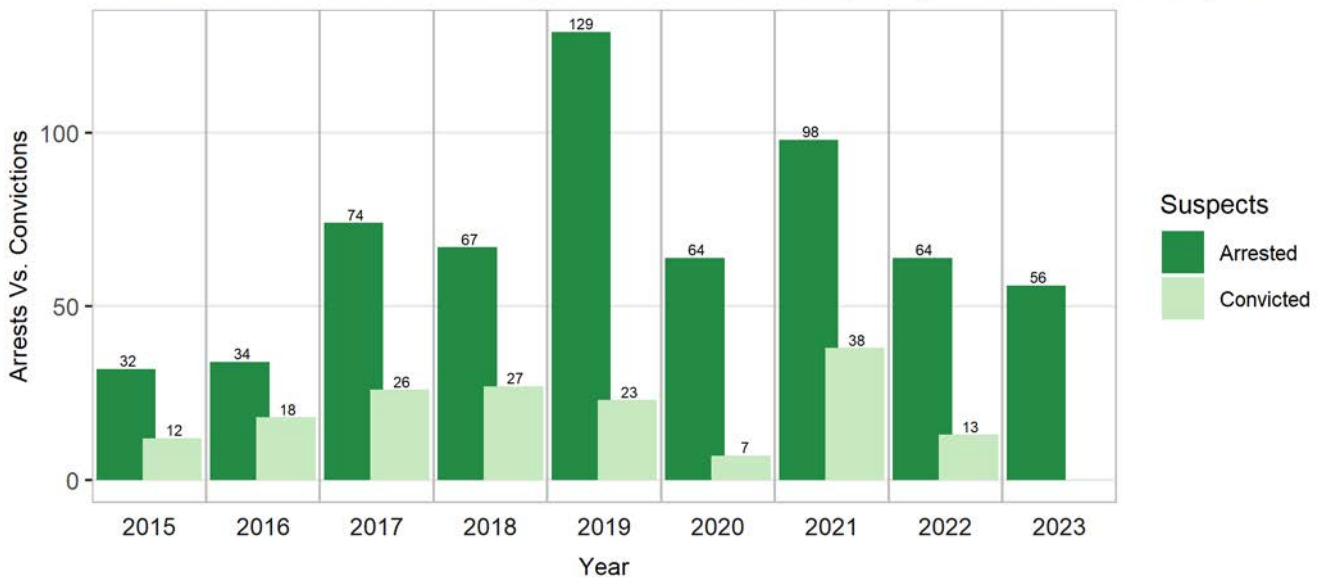
Arrests, convictions and seizures related to elephant

- **Annual arrests vs. current conviction status** (as at 1 April 2024) indicates that convictions in elephant cases still lag far behind arrests, as some cases from all years since 2015 are still ongoing; spikes in arrests in 2019 and 2021 have increased the backlog and strained the judiciary; arrests in recent years have in most cases been linked to ivory seizures; few poaching incidents have been recorded over the past four years, though arrests related to isolated poaching incidents have taken place.
- **Seizures** of ivory have again risen to near the highest levels recorded over the past ten years, after temporary reductions in 2020 (likely influenced by the COVID-19 pandemic) and 2022 (likely influenced by deterrent sentences of Special Courts); while it is often difficult to trace the origin of ivory, most tusks seized in Namibia are believed to be brought into the country from animals killed elsewhere; collaborative transnational investigations as part of large ivory seizures in the Zambezi Region during 2023 confirmed neighbouring countries as the origin of the tusks.

11.2 ARRESTS versus CONVICTIONS (elephant) [current status on 1 April 2024]

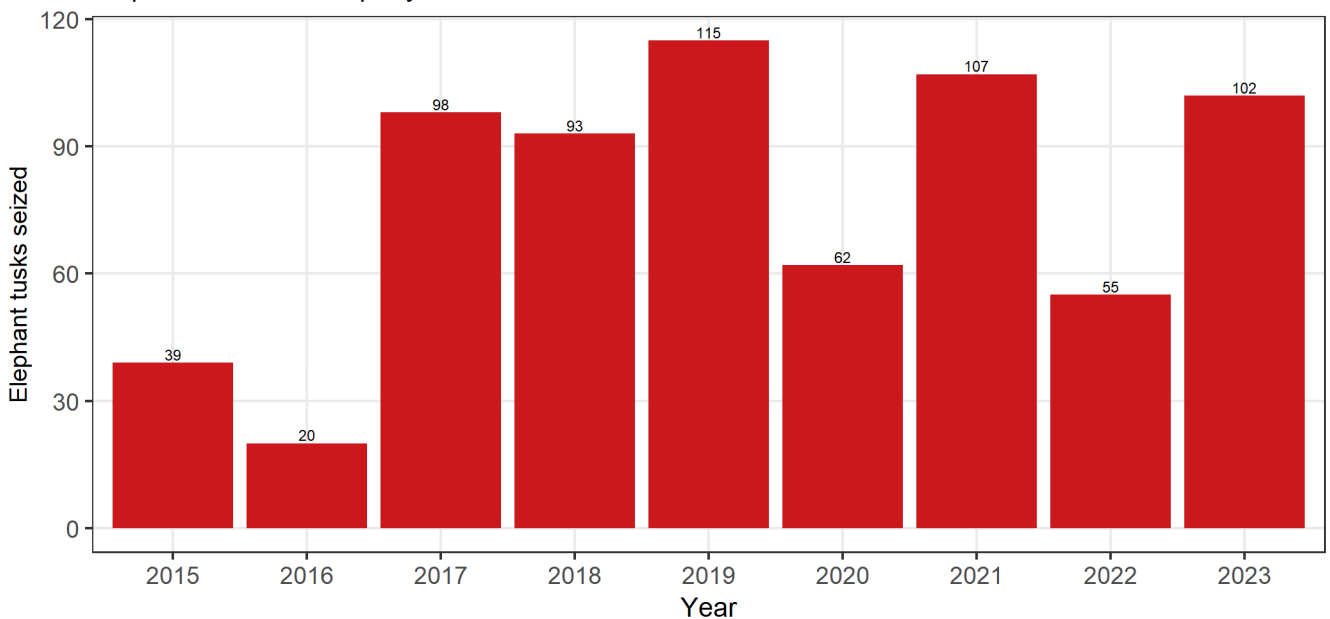
Annual arrests vs. their current conviction status (elephant cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



11.3 SEIZURES (elephant)

Elephant tusks seized per year



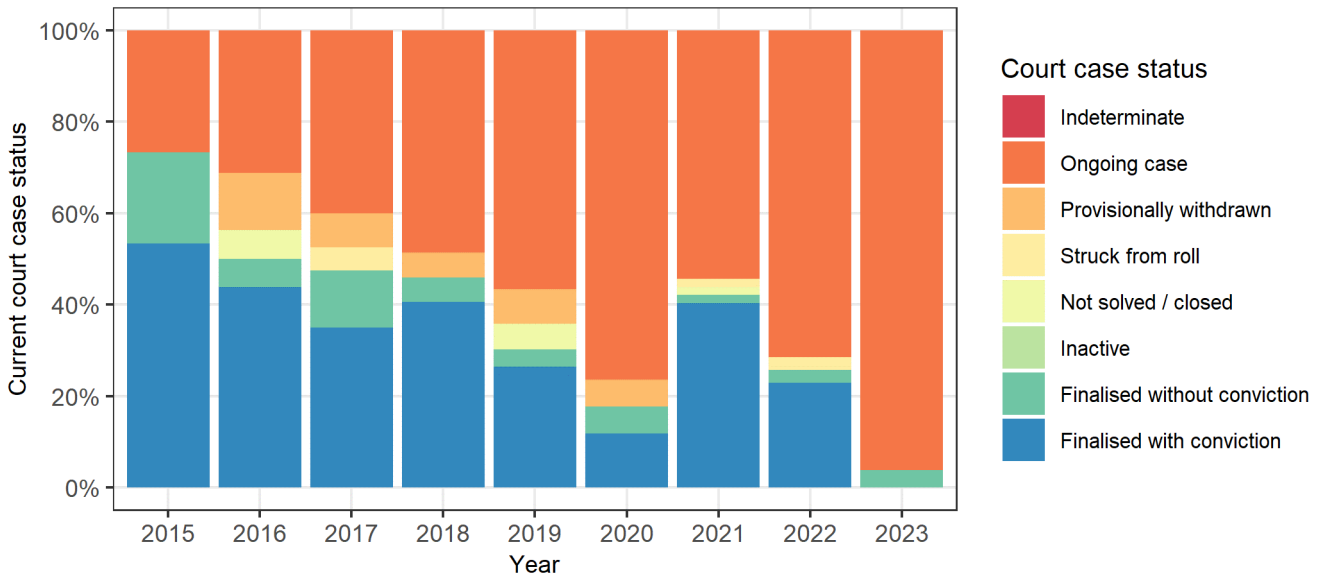
Current case status and time between arrest and case finalisation in elephant cases

- **Current case status** (as at 1 April 2024) generally shows a slow but positive finalisation trend in elephant cases; 73% of cases registered in 2015 have been finalised (73% with conviction, 27% without), while 27% were still ongoing; more recent years have progressively lower finalisation rates, as cases take time to be completed, yet the conviction rate of finalised cases remains relatively high; indeterminate indicates a current status that has not yet been defined in the database.
- **Time between arrest and case finalisation** has varied substantially for elephant cases, with some cases having taken 6 or more years to complete; the finalisation of very old cases in any particular year obviously increases the average for that year, in some instances significantly.

11.4 CURRENT CASE STATUS (elephant) [current status on 1 April 2024]

Current court case status as percentage of cases registered per year (elephant cases)

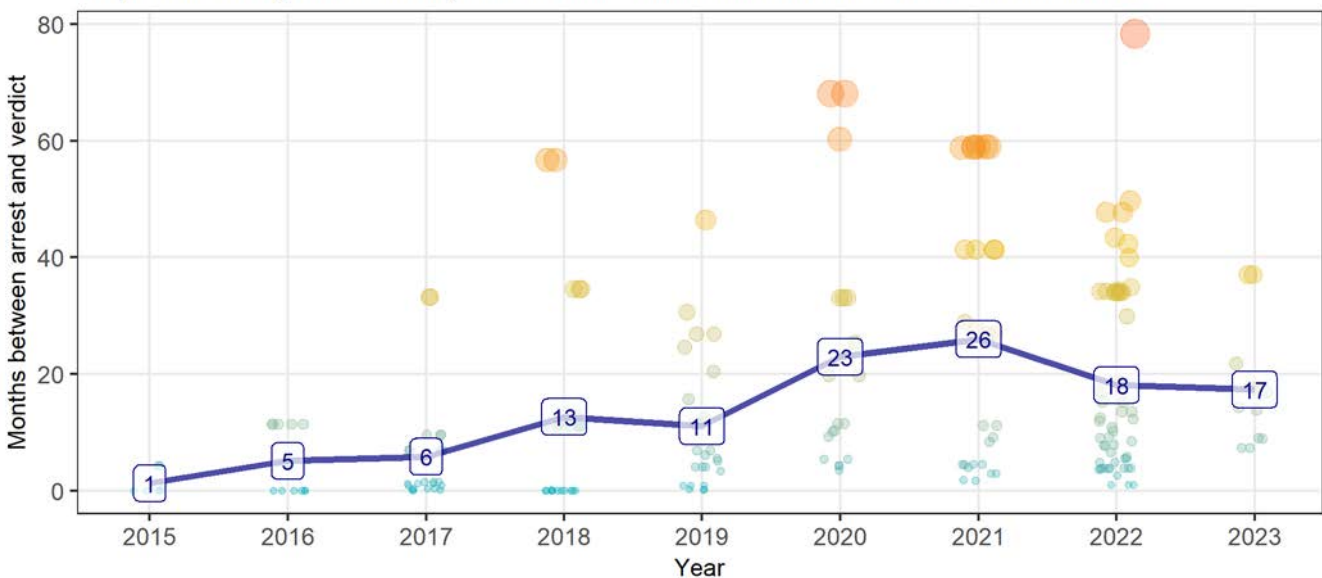
(Bar position indicates the year of case registration)



11.5 TIME BETWEEN ARREST and CASE FINALISATION (elephant)

Distribution of months passed between individuals' arrest and case finalization (elephant cases)

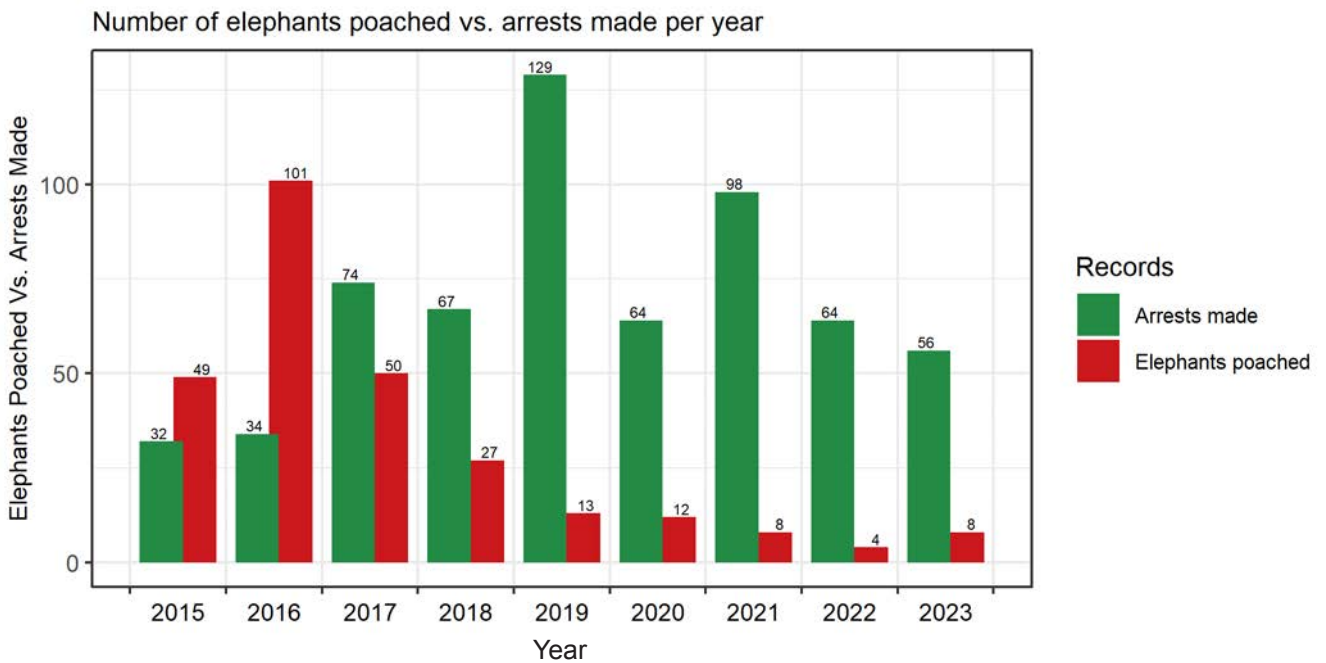
The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



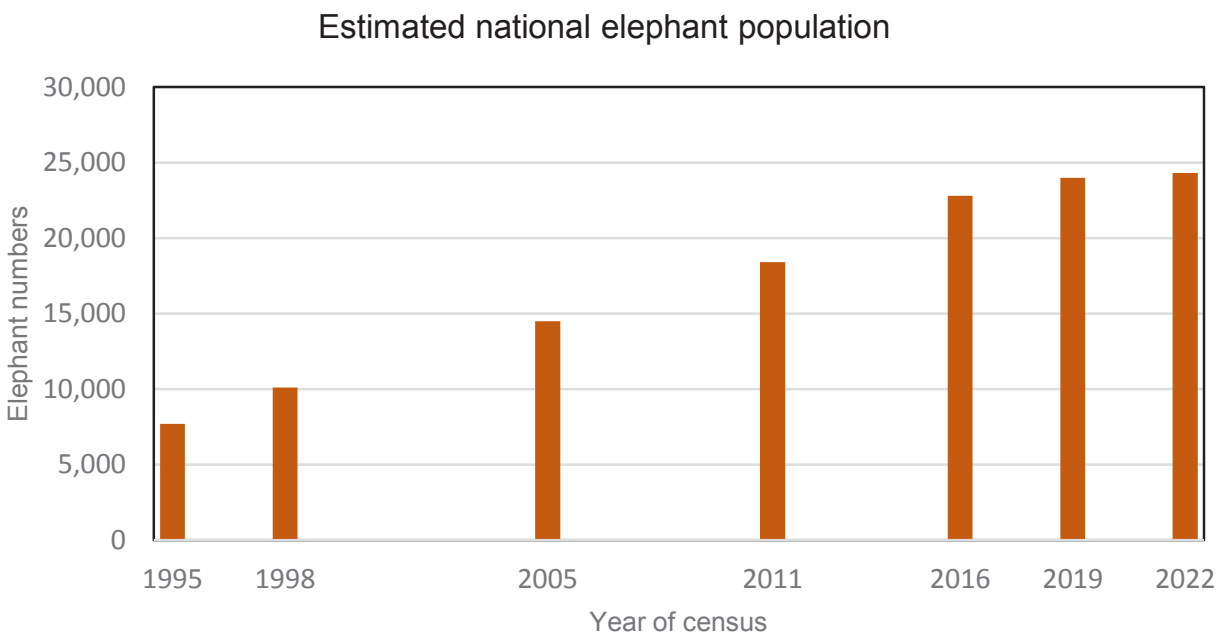
Proactive law enforcement and conservation trends related to elephants

- **Poaching estimates vs. arrests** clearly show that while poaching incidents in Namibia have been successfully curbed to low levels, arrests remain comparatively high; the number of arrests per year has been closely related to seizures of ivory, rather than elephants poached in Namibia (see ivory seizures graph p. 54); much of the ivory seized in Namibia is believed to originate from elephants killed in other countries, with the ivory smuggled into Namibia for sale or onward trafficking.
- **Increase in Namibia’s elephant population** has been recorded through aerial surveys carried out in the years shown in the graph; most of Namibia’s elephant sub-populations have shown significant increases; the sub-populations in the eastern parts of the Erongo–Kunene Community Conservation Area, as well as those in Khaudum, Bwabwata, Mudumu and Nkasa Rupara national parks and adjacent communal farming areas have shown the greatest increases; while the population in Bwabwata, Mudumu and Nkasa Rupara moves freely across international borders, the other populations are relatively sedentary, with more localised, seasonal movements; the small number of desert-adapted elephants of the western parts of the Erongo–Kunene Community Conservation Area are most susceptible to human influences.

11.6 Comparison of POACHING ESTIMATES versus ARRESTS (elephant)



11.7 INCREASE in NAMIBIA’S ELEPHANT POPULATION



B9. Status update – elephant protection in Namibia

Direct losses of elephants to poaching remain at negligible levels in Namibia, while arrests related to ivory trafficking remain high. Statistically, the number of elephant-related cases registered in Namibia put elephants in third place amongst wildlife most-targeted by poachers. It is vital to carefully interpret and understand these statistics, as most of the registered cases involve ivory trafficking, not elephant poaching. The following aspects define important parameters:

1. National security forces Joint Anti-poaching Units (JAPU), stationed in all key elephant ranges in an anti-poaching capacity since 2016 (at the height of poaching losses), have suppressed elephant poaching in Namibia to negligible levels.
2. Namibia's Kavango East and Zambezi regions lie at the core of the Kavango–Zambezi Transfrontier Conservation Area (KAZA), which has the highest concentration of elephants in the world.
3. Collaborative transboundary investigations in relation to large ivory seizures in Namibia have shown that ivory from elephants poached in neighbouring countries is moved into Namibia's Zambezi Region, either for attempted local sale or in transit to trafficking nodes in other countries.
4. Elephant poaching is significant in some neighbouring countries; poachers use Namibia's Zambezi Region as a springboard for poaching incursions into neighbouring countries, and traffic the ivory via Namibia.
5. Clearly the majority of ivory seized in Namibia originates from elephants poached in other countries.

A detailed census of the elephant population in KAZA was carried out in 2022, with the final survey report released in 2023. The total elephant population for KAZA is estimated at 227,900 animals, of which 21,090 are estimated to occur in the Kavango, Zambezi, Khaudum and Nyae Nyae areas of Namibia¹. Together with elephant numbers from other parts of Namibia, estimated from previous counts, this puts the country's total elephant numbers at well over 24,000 animals.

The KAZA survey report highlighted a number of conservation challenges facing these elephants. 'The long-term viability of KAZA elephants as a transboundary population depends upon securing and connecting or re-connecting of wildlife movement corridors.'² Human activities that close off elephant movement corridors is one of the biggest threats to this connectivity. Conflicting land uses, habitat loss, illegal killing of elephants and human–wildlife conflict are seen as some of the biggest challenges for KAZA's elephants.

Human–wildlife conflict remains a pressing challenge for elephant protection in Namibia. The country's elephant populations are at their highest levels in over a century³. Elephants in the Kavango and Zambezi regions, as well as some parts of the Kunene Region, coexist with large numbers of people. This results in conflicts caused by elephants, including crop-raiding, damage to water infrastructure, and isolated attacks on people that end in death or serious injury. Elephants are sometimes shot by community members as a consequence of such conflicts. Sensitive handling of these incidents by conservation and law-enforcement personnel is vital to ensure ongoing conservation support from local communities living with elephants.

Elephant incidents with tourists are a rapidly increasing issue in the arid western reaches of the Erongo–Kunene Community Conservation Area, where desert-adapted elephants have become one of the most sought-after sightings for visitors from all around the world. Namibia's 'desert elephants' inhabit extremely marginal habitat and spend much of their time along large ephemeral rivers, where they provide great viewing opportunities. Irresponsible tourist behaviour, apparently including feeding of elephants, has habituated entire groups of the pachyderms to such an extent that they have begun to raid campsites and vehicles in search of food. Urgent action is needed to mitigate this situation by ensuring responsible tourism behaviour, controlling tourism access to sensitive elephant habitats through effective tourism product development, and concomitant conservation measures⁴.



Human–elephant conflicts, at times resulting in elephants being shot, are amongst the biggest challenges facing Namibia's elephants



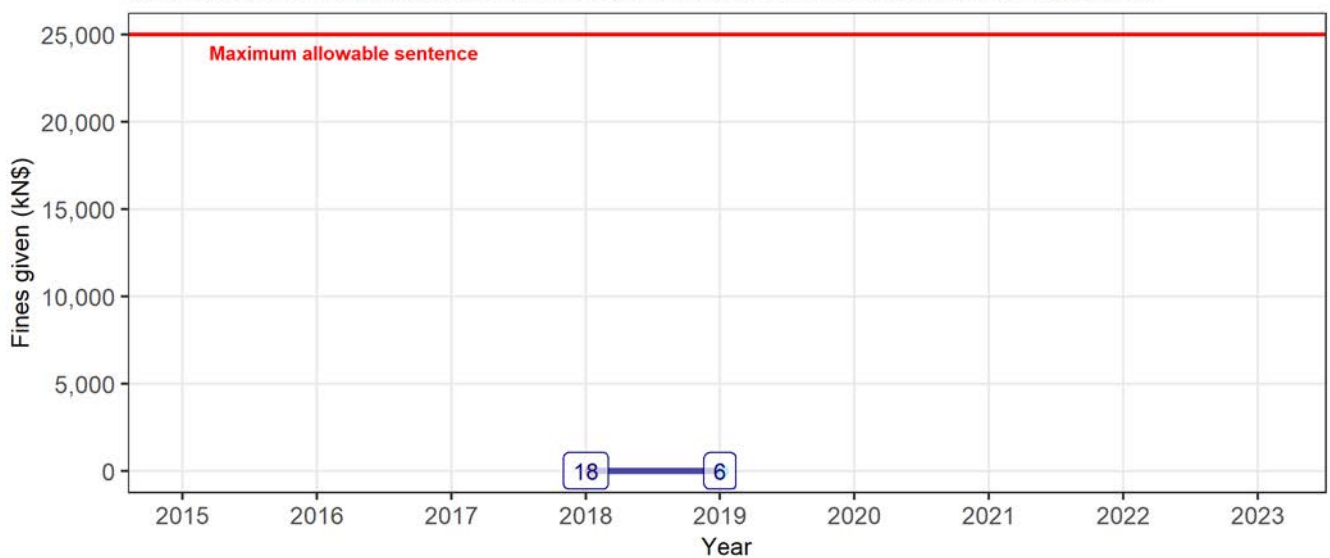
Maximum versus actual sentences related to elephant poaching

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation, and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Very few perpetrators have been convicted of elephant poaching in Namibia; most of these have received a direct prison term of 4 years without the option of a fine.
- The maximum sentences of N\$ 25,000,000 and 25 years imprisonment have never been applied; these are generally reserved for complex crimes perpetrated by ruthless transnational criminals, not local community members.

11.8 MAXIMUM versus ACTUAL FINES (elephant poaching)

Annual distribution of fines (kN\$) issued for illegal hunting of elephant

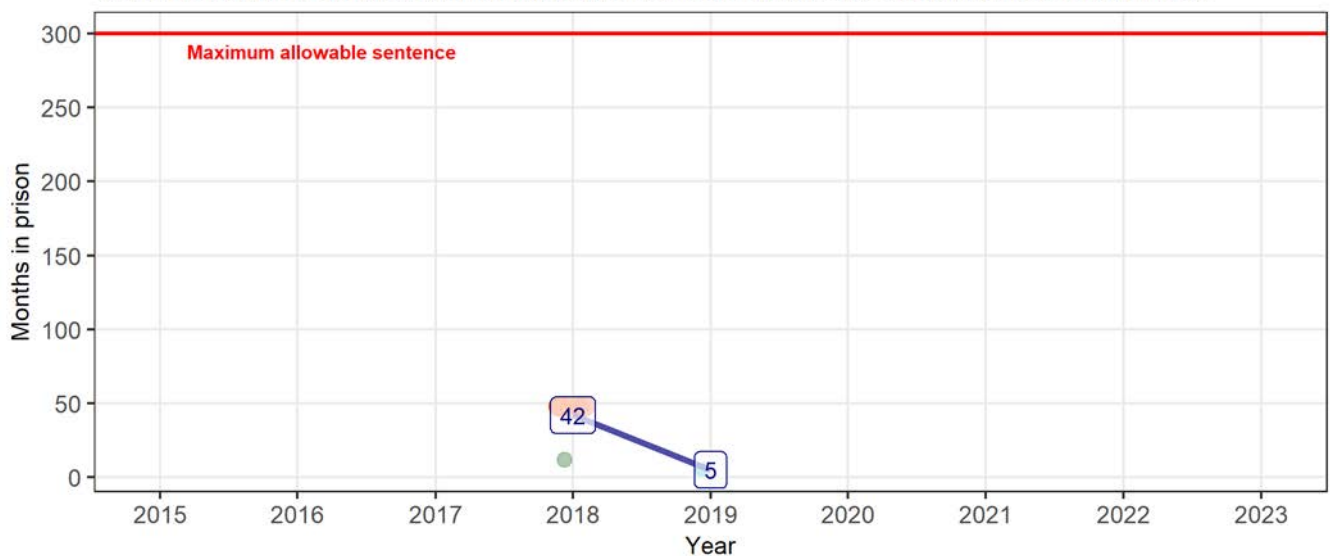
Charges were laid under Section 26 of the Nature Conservation Ordinance 4 of 1975, as amended Act 3 of 2017. The red line indicates the maximum allowable fine as per the Ordinance. The blue line indicates the annual mean.



11.9 MAXIMUM versus ACTUAL PRISON TERMS (elephant poaching)

Annual distribution of imprisonment (months) issued for illegal hunting of elephant

Charges were laid under Section 26 of the Nature Conservation Ordinance 4 of 1975, as amended Act 3 of 2017. The red line indicates the maximum allowable imprisonment as per the Ordinance. The blue line indicates the annual mean.



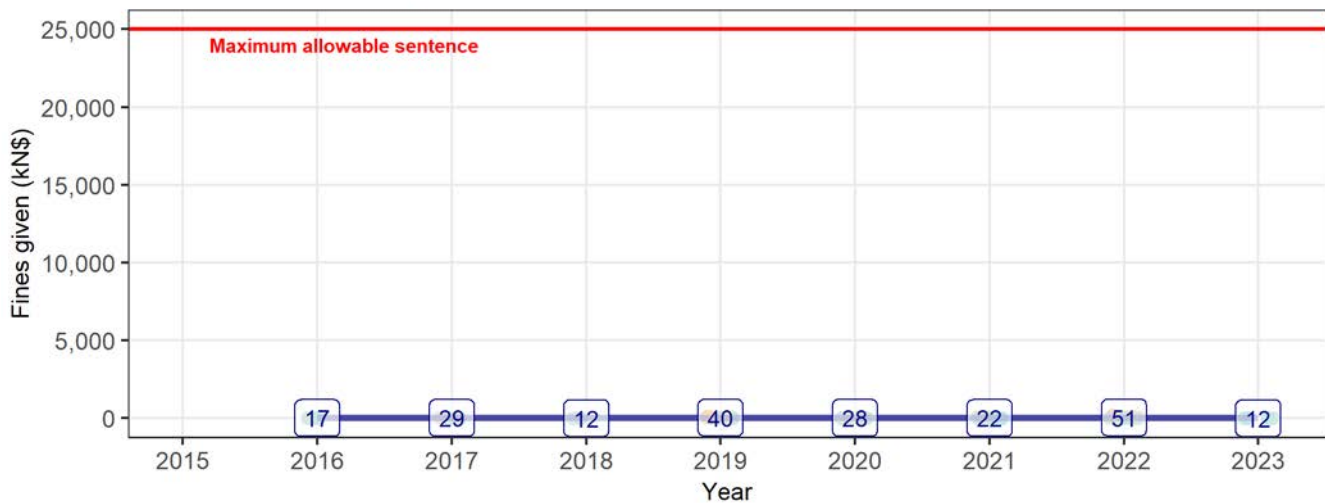
Maximum versus actual sentences related to elephant trafficking

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation, and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Elephant crimes prosecuted in Namibia consist mostly of ivory trafficking; much of the ivory is smuggled into Namibia from neighbouring countries for attempted sale; the origin of the ivory can rarely be ascertained.
- Many perpetrators of ivory trafficking arrested in Namibia are rural community members with limited financial means; high fines in these cases are meaningless, as the perpetrators are generally unable to pay even a relatively modest fine.
- While prison terms as high as 10 years have been pronounced, most sentences prior to 2022 have been much lower; the Special Courts held during 2022 delivered significant deterrent sentences, which raised the annual mean of fines and prison terms substantially; these have dropped again during 2023.

11.10 MAXIMUM versus ACTUAL FINES (elephant trafficking)

Annual distribution of fines (kN\$) issued for illegal possession and dealing of elephant products

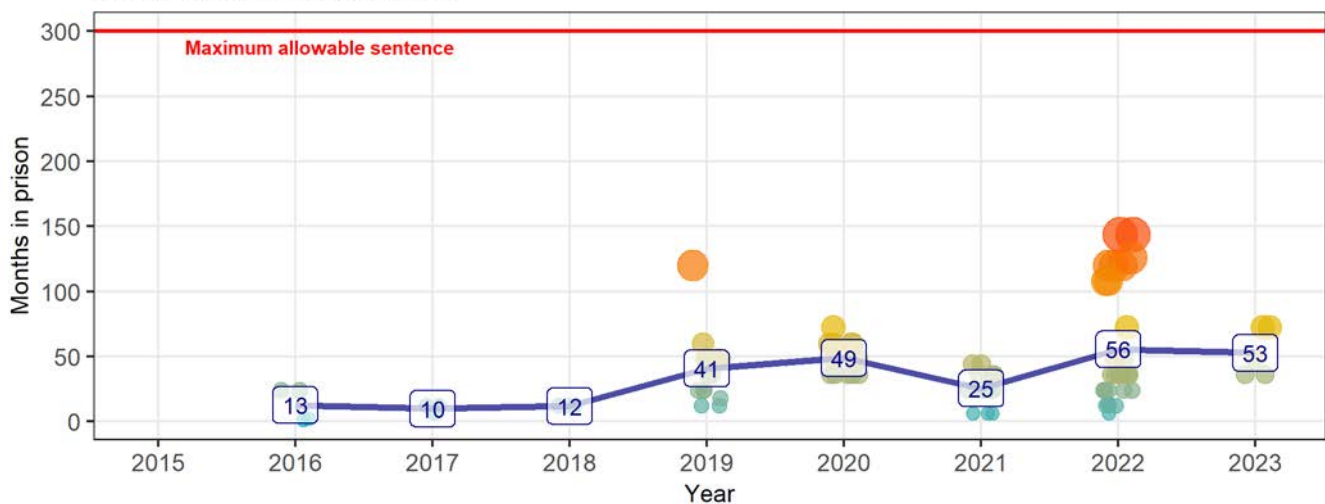
Charges were laid under Section 4 (1)(a) and (1)(b) of the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable fine as per the Act. The blue line indicates the annual mean.



11.11 MAXIMUM versus ACTUAL PRISON TERMS (elephant trafficking)

Annual distribution of imprisonment (months) issued for illegal possession and dealing of elephant products

Charges were laid under Section 4 (1)(a) and (1)(b) under the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable imprisonment as per the Act. The blue line indicates the annual mean.



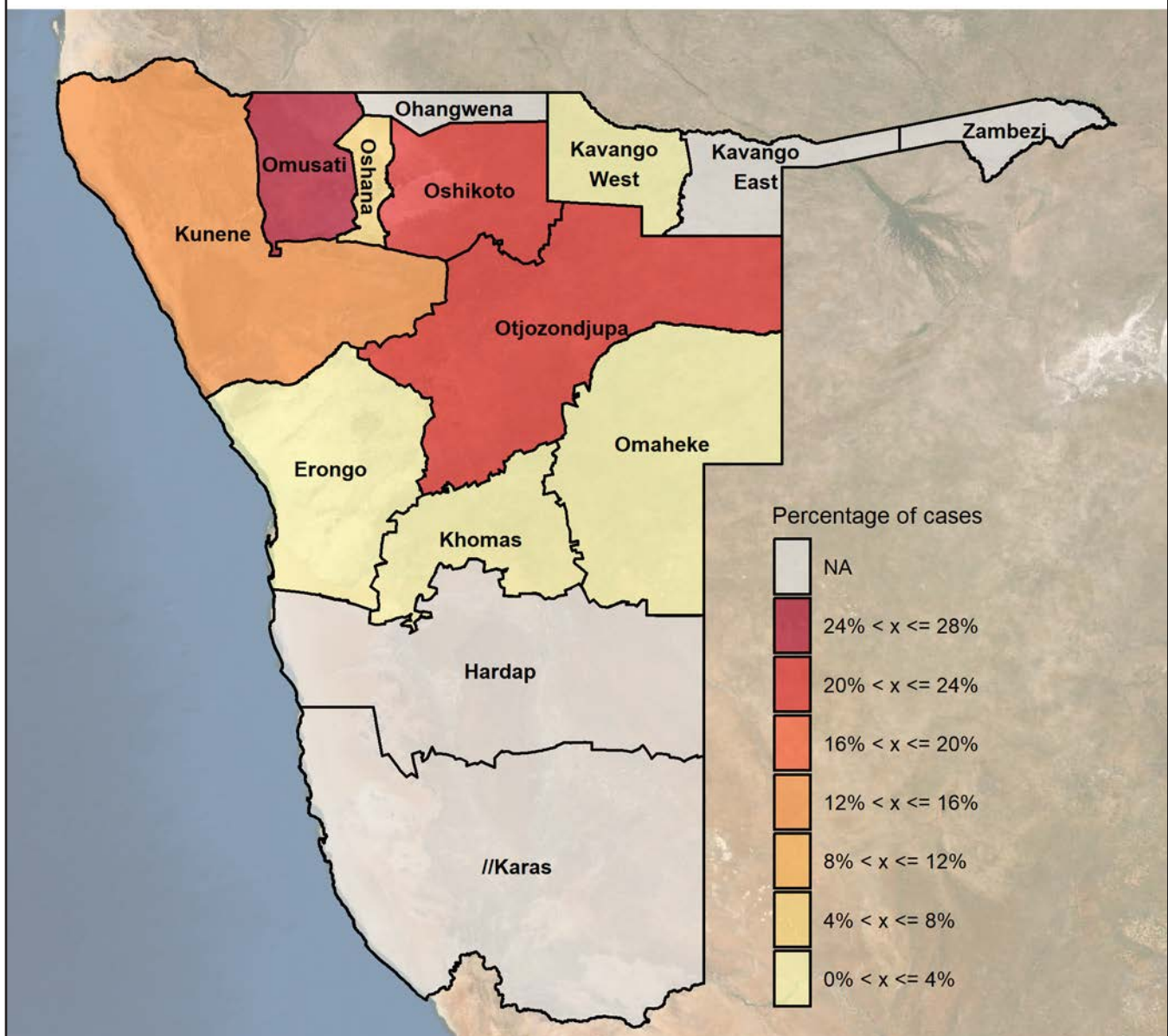
12. RHINO POACHING AND TRAFFICKING TRENDS 2015–2023

12.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to RHINO during 2023

Regional distribution of rhino cases

- The largest rhino populations are found in Namibia's national parks, yet rhinos occur in smaller populations in many parts of the country.
- The map indicates registered cases of rhino crimes, which may consist of rhino poaching, horn trafficking or a variety of other offences related to rhinos; the map does not reflect rhino distribution, nor necessarily where crimes occurred (cases are usually registered at the nearest police station to the arrest, seizure or carcass discovery; this may be in another region to where the original crime occurred).
- The Omusati, Oshikoto and Otjozondjupa regions show the highest prevalence of rhino crimes; this may be due to a number of factors, including proximity to rhino ranges and important trafficking nodes for rhino products.
- It must be noted that the prevalence of rhino crimes has shown regional shifts from year to year, based largely on shifting tactics and targets of criminals; during 2023, rhino crimes were recorded in 9 of Namibia's 14 regions, highlighting the widespread nature of rhino crimes.

Regional distribution of wildlife crime cases registered in 2023
(only cases related to rhino poaching/trafficking)



Rhino poaching is an extremely ugly wildlife crime, as the animals are killed only for their horns, with the mutilated carcasses left to rot; poor shot placement and inappropriate rifles result in many wounded rhinos, and calves that are dependant on their mothers are left to die.

*Poached white rhino cow
and calf, Kunene Region,
June 2023*



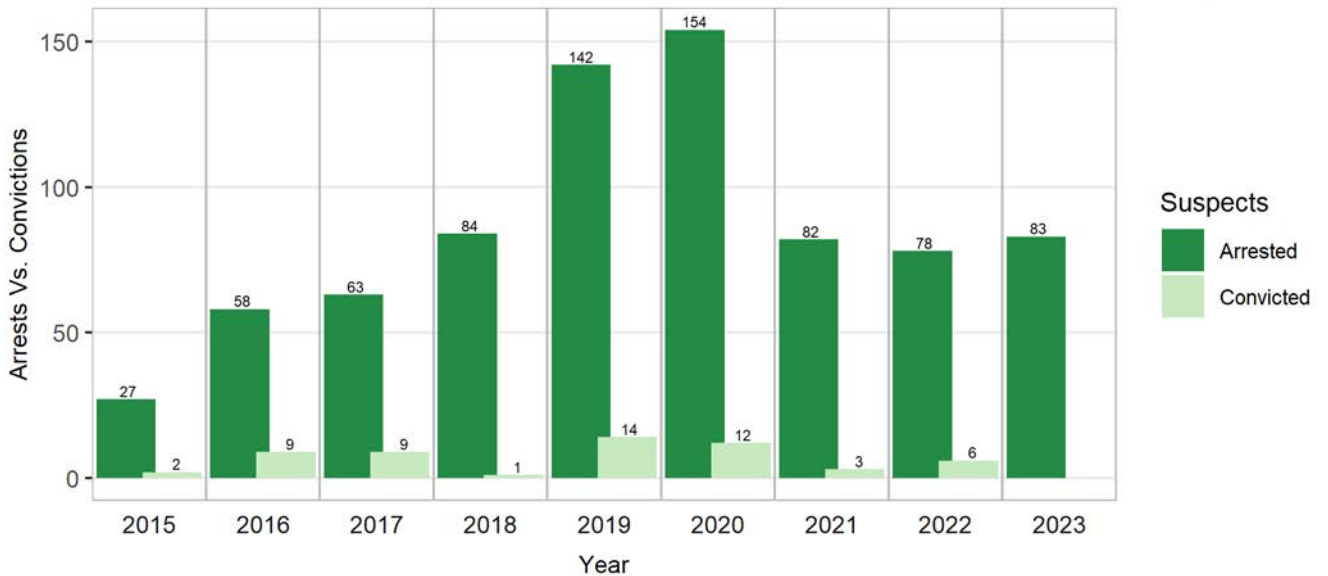
Arrests, convictions and seizures related to rhinos

- **Annual arrests vs. current conviction status** (as at 1 April 2024) highlights the challenges of achieving convictions in rhino cases; of 771 suspects arrested since the start of 2015, only 56 (7%) had been convicted by 1 April 2024; the causes for this are complex – all rhino cases require PG guidance prior to prosecution, which lengthens the duration of the cases; pre-emptive arrests, as well as the arrests of aiders and abettors, are based largely on circumstantial evidence, making convictions more difficult; businessmen and prominent members of society who have been arrested for rhino-horn trafficking are able to secure excellent legal representation that seeks to block rapid convictions; linkages between rhino carcasses, used firearms and confiscated horns require forensic evidence, which takes time to secure; other factors also play a role.
- **Seizures of rhino horns** were low in 2023 compared to the high poaching losses; this appears to represent a successful change in tactics by criminals, who have responded to the previous disruption of rhino syndicates and arrest of kingpins responsible for smuggling rhino horns out of the country, which had resulted in higher confiscation rates during a period of lower poaching losses in 2020.

12.2 ARRESTS versus CONVICTIONS (rhinos) [current status on 1 April 2024]

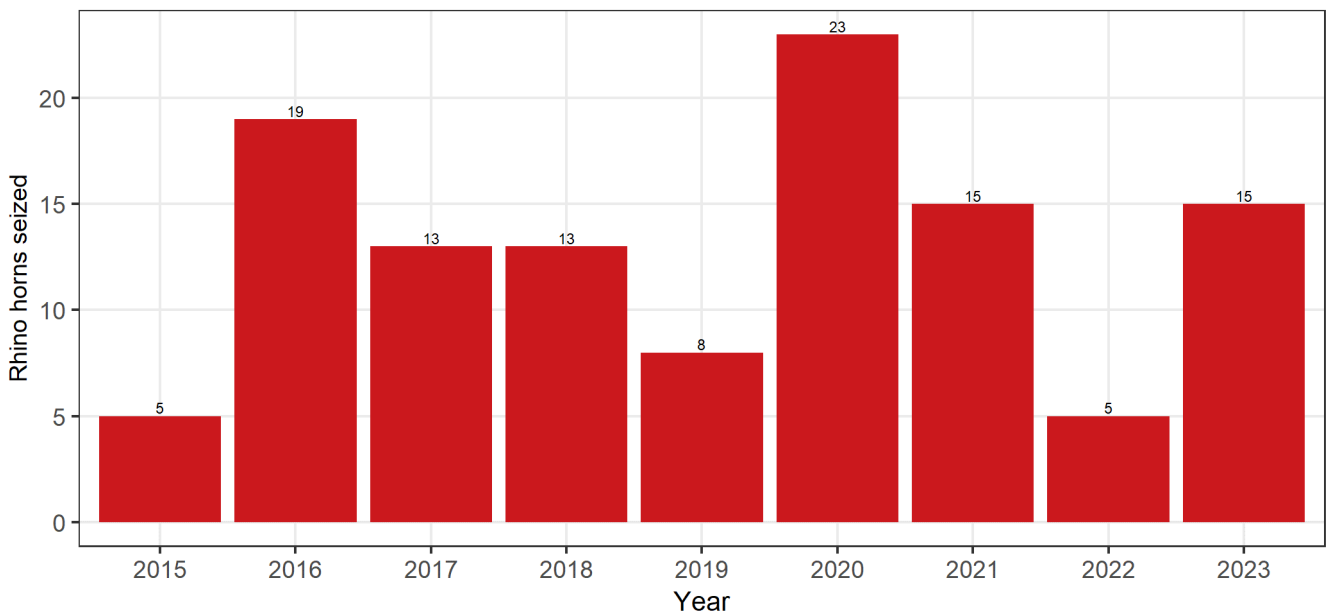
Annual arrests vs. their current conviction status (rhino cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



12.3 SEIZURES (rhinos)

Rhino horns seized per year



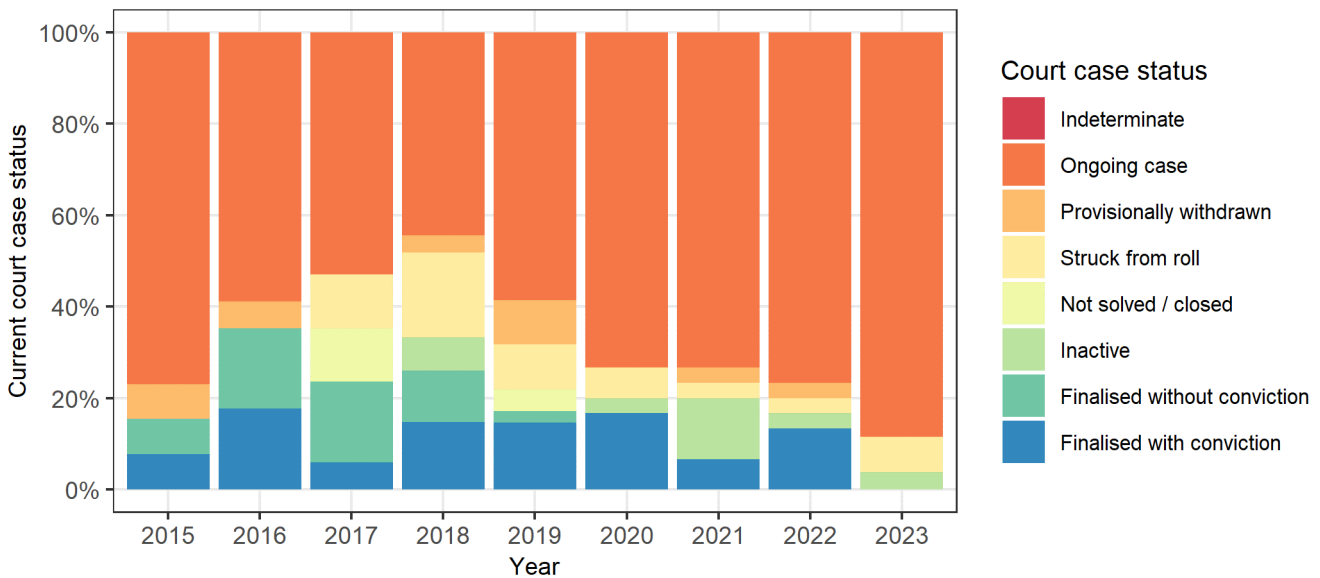
Current case status and time between arrest and case finalisation in rhino cases

- **Current case status** (as at 1 April 2024) remains ongoing for well over 50% of cases registered in most years (see notes on opposite page for details on causes) reflecting the complexity of cases; rates of finalisation and conviction remain low; less than 20% of cases registered in any year have been finalised with convictions; a substantial percentage of cases have been provisionally withdrawn, struck from the roll or finalised without conviction; indeterminate indicates a current status that has not yet been defined in the database.
- **Time between arrest and conviction** shows the complexity of rhino crimes and the drawn-out nature of these cases; a case finalised in 2023 that took almost 6 years to be completed represents the drawn-out case of 4 Namibians arrested in 2016 for poaching white rhinos.

12.4 CURRENT CASE STATUS (rhinos) [current status on 1 April 2024]

Current court case status as percentage of cases registered per year (rhino cases)

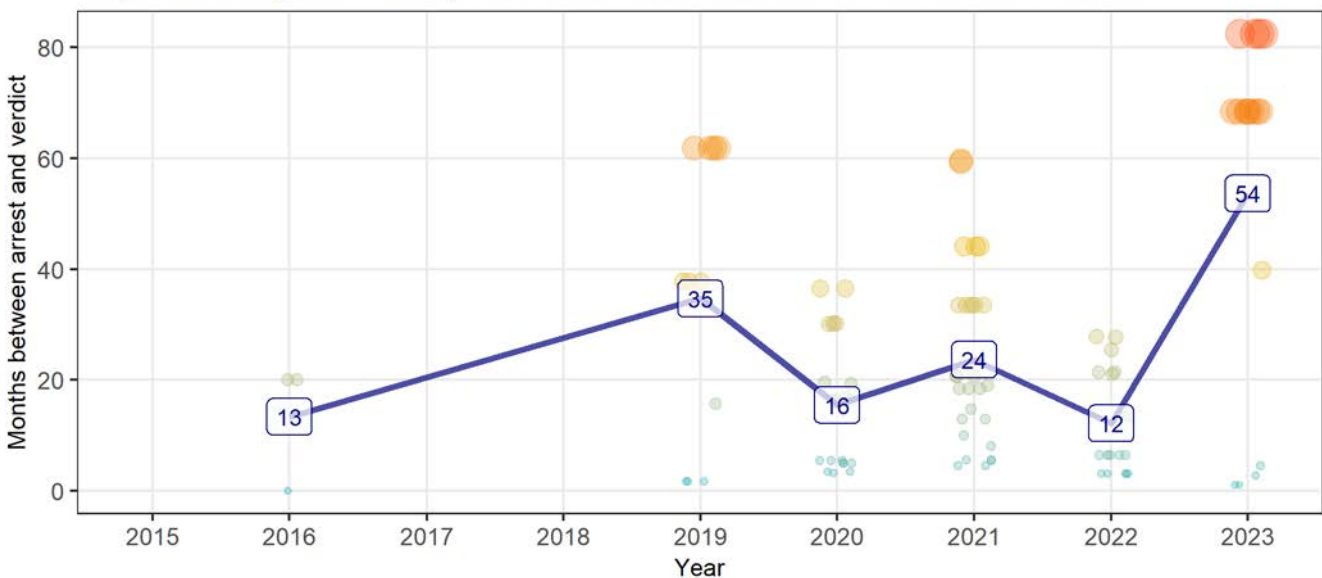
(Bar position indicates the year of case registration)



12.5 TIME BETWEEN ARREST and CASE FINALISATION (rhinos)

Distribution of months passed between individuals' arrest and case finalization (rhino cases)

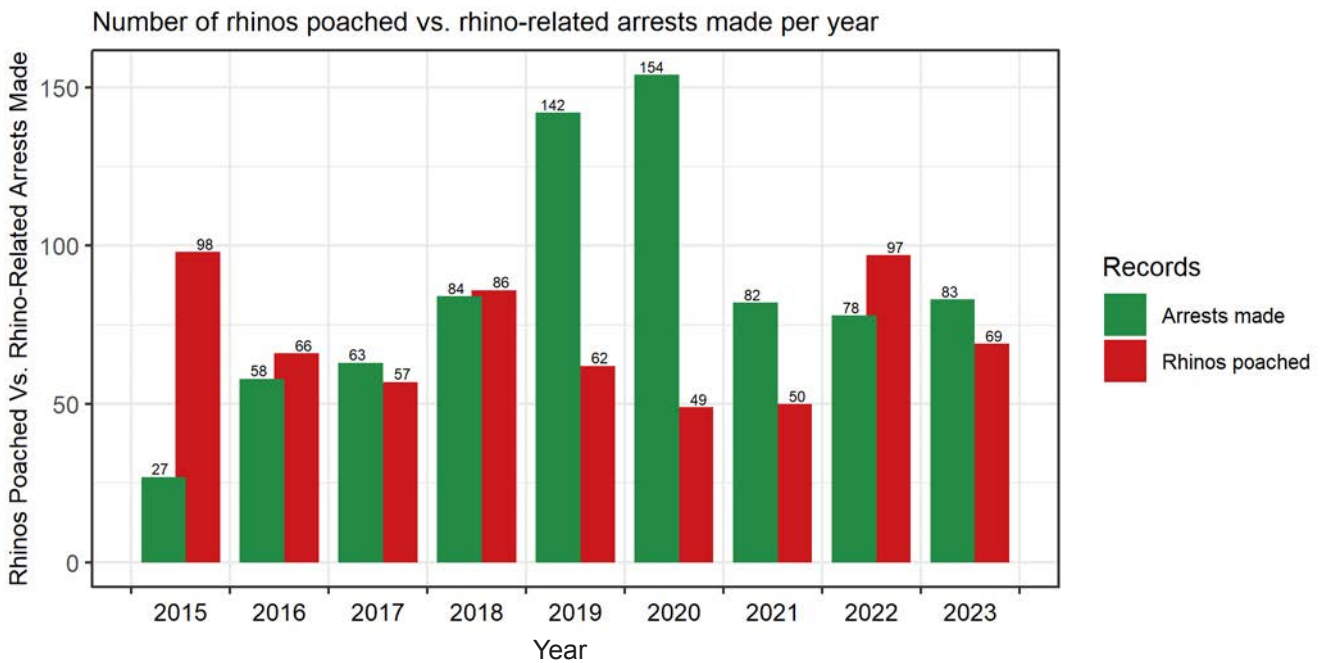
The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



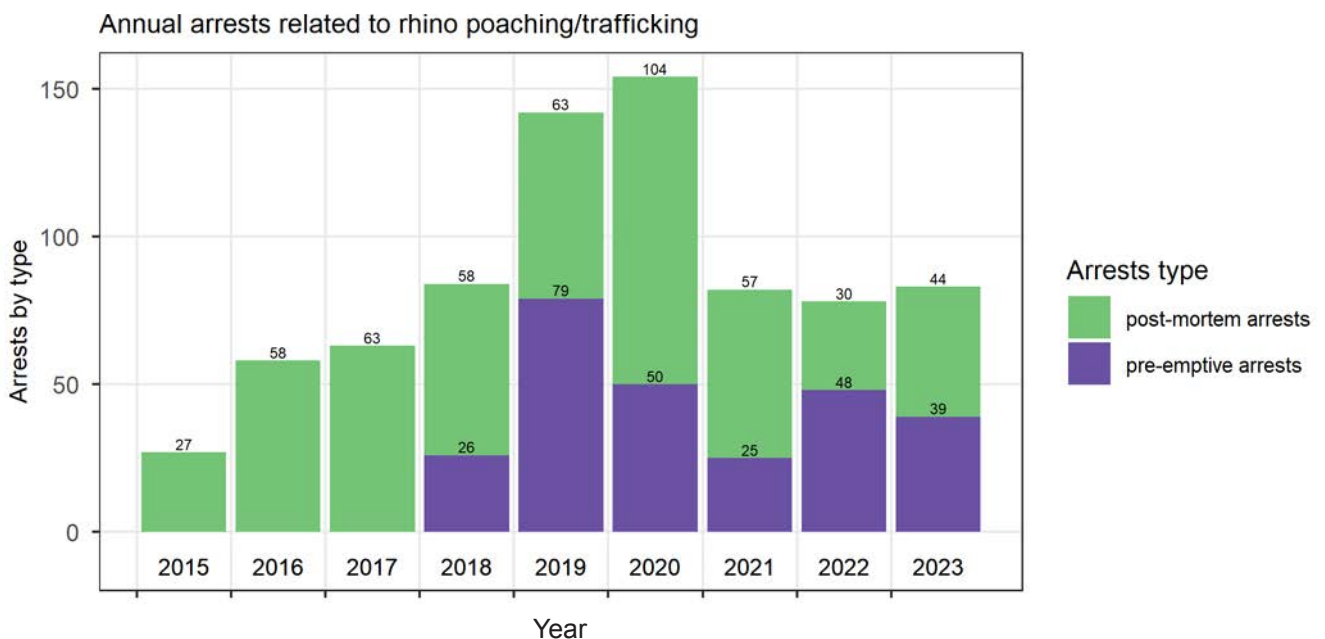
Proactive law enforcement and anti-poaching interventions related to rhinos

- **Poaching estimates vs. arrests** indicate a cyclic nature of poaching spikes: high numbers of arrests of poachers, dealers, aiders and abettors in response to a poaching spike result in a temporary drop in poaching losses; criminals then adapt their poaching tactics, causing new spikes.
- **Proportion of pre-emptive rhino cases** is a good indicator of the effectiveness of law enforcement; pre-emptive arrests are based on intelligence-led investigations that apprehend poaching gangs while they are conspiring to poach, but before they are able to kill a rhino; this saves the lives of numerous rhinos while still catching the would-be poachers.
- **Dehorning of rhinos** is used to make the animals uninteresting to poachers by shifting the risk-reward ratio in favour of law enforcement (the risk of arrest becomes much higher than the small reward of a rhino-horn stub); dehorning must be repeated at regular intervals as the horns grow back (similar to human fingernails); dehorning is extremely expensive, requiring expert teams and usually the use of helicopters and spotter aircraft; rhinos in high-risk areas are thus prioritised for dehorning.

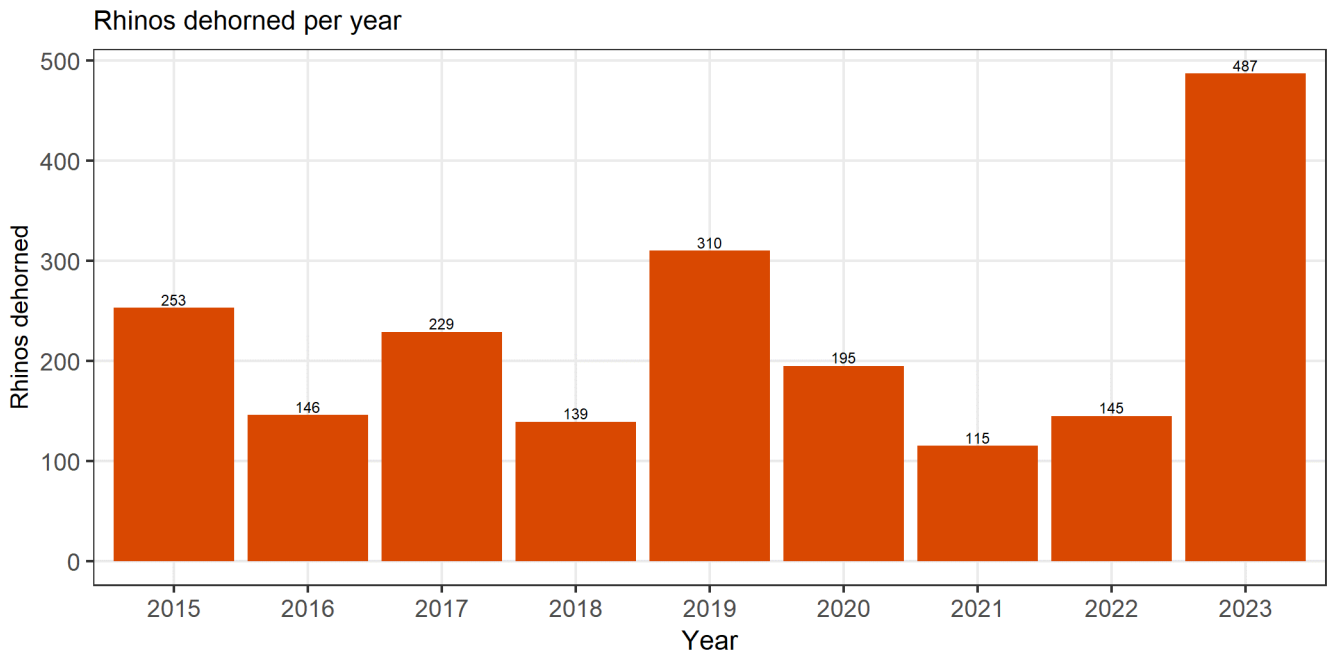
12.6 Comparison of POACHING ESTIMATES versus ARRESTS (rhinos)



12.7 PROPORTION of PRE-EMPTIVE ARRESTS (rhino cases)

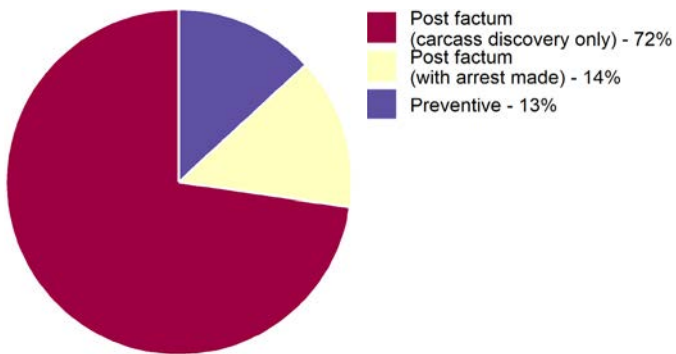


12.8 DEHORNING of RHINOS



12.9 Ratios of rhino case types:

for rhino cases registered in 2022



Rhino case types

Rhino cases are complex, ranging from horn seizures without link to a carcass, to discovery of carcasses without arrests, to discovery of carcasses with arrests, to pre-emptive arrest of intending poachers; all categories may involve various aiders and abettors.

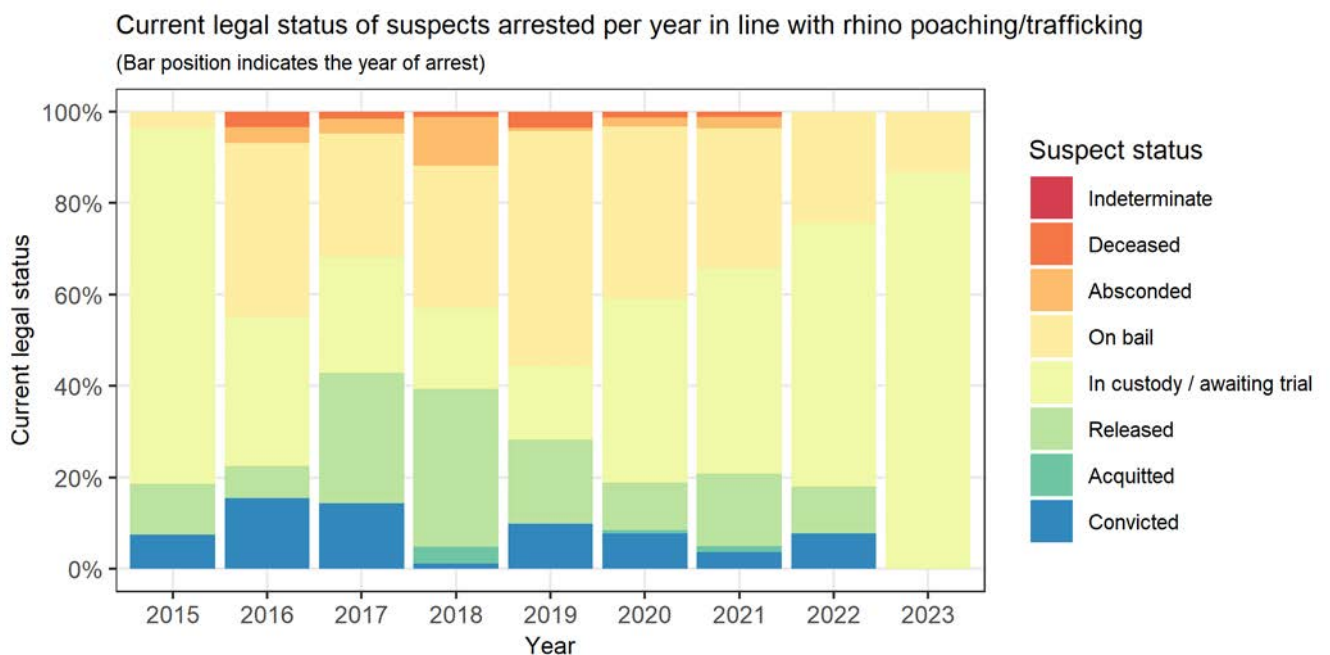
Many rhino-poaching incursions continue to be thwarted (and typical paraphernalia confiscated), though the percentage of pre-emptive arrests has fluctuated in recent years



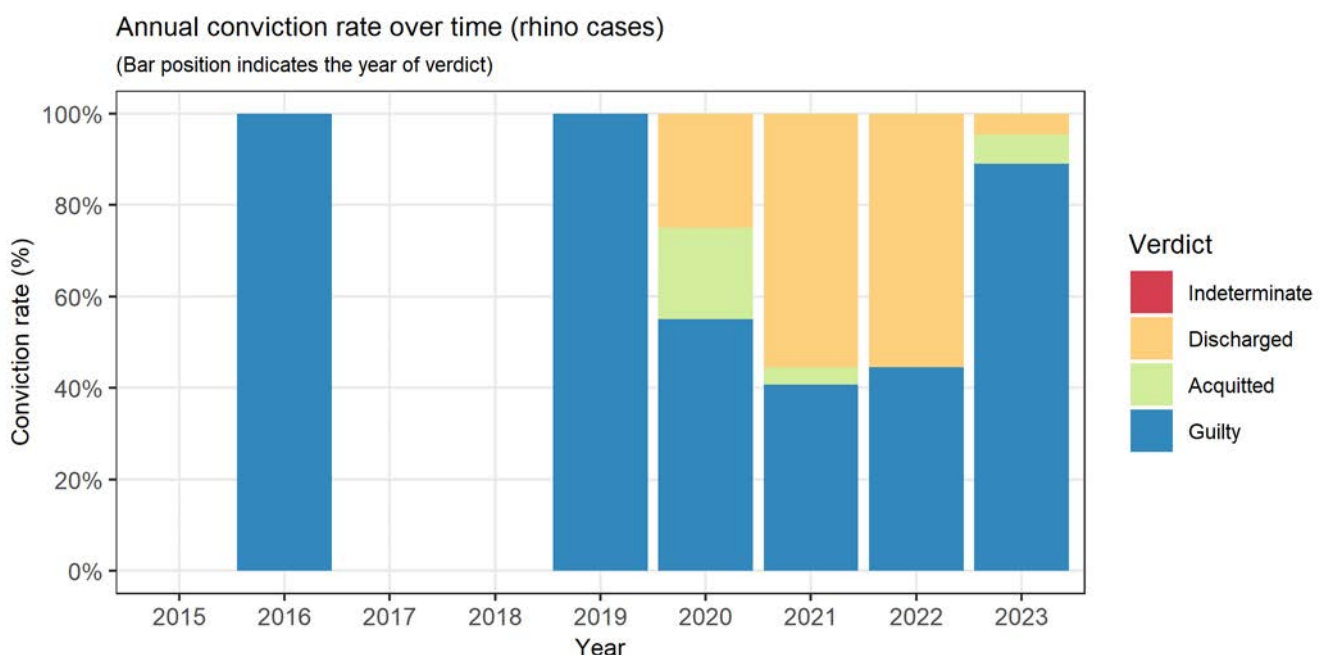
Current legal status of suspects and annual conviction rate in rhino cases

- **Current legal status of suspects** (as at 1 April 2024) in rhino cases is highly alarming; of all suspects arrested in any year, less than 20% had been convicted by 1 April 2024; of suspects arrested in 2015, only around 7% had been convicted, 4% were on bail, 78% were still in custody, while 11% had been released; over the years, a number of suspects have absconded or died; causes for the challenges in prosecuting rhino crimes are discussed in the notes on p. 62; indeterminate indicates a current status that has not yet been defined in the database.
- **Annual conviction rate** refers to the percentage of suspects in finalised cases who were convicted per year; this has varied considerably in rhino cases, with a 100% rate for 2016 and 2019, almost 90% in 2023, but less than 50% in 2021 and 2022, when over 50% of suspects were discharged; no convictions were achieved in 2015, 2017 and 2018 (the convicted status for suspects indicated for these years in the 'Current legal status of suspects' graph was achieved in subsequent years); it must be emphasised that very few rhino cases have been finalised (see 'Current case status' graph, p. 63) and the resultant small dataset can create skewed perceptions.

12.10 CURRENT LEGAL STATUS of SUSPECTS (rhino cases) [current status on 1 April 2024]



12.11 ANNUAL CONVICTION RATE (rhino cases)



B10. Status update – rhino protection in Namibia

Despite the broad front of rhino protection and law-enforcement initiatives in Namibia and at a global level, rhinos remain the most-targeted wild animals for poachers operating in our country (statistics for black and white rhinos combined, see also p. 25). While poaching losses statistically continue to be contained at levels below the annual growth rate of the national population¹, the reality that many of Namibia's rhinos are found in small, isolated populations means that poaching impacts on local population dynamics are in many cases severe.

The total number of rhinos recorded as poached during 2023 stands at 69 (in the vast rhino ranges of Namibia some carcasses continue to be discovered long after a poaching incident, meaning that annual totals may be revised retroactively). The losses during the past year represent a 29 per cent decrease in poaching losses from 2022 (97 rhinos recorded as poached, see p. 64). This is an important success for rhino protection, but should be seen as nothing more than a temporary result. The fluctuating poaching spikes experienced since 2015 make it very clear that the threat of poaching is constant, requiring unrelenting countermeasures.

The fact that during 2023 more suspects have again been arrested than rhinos poached reflects the intensity of law-enforcement effort (see p. 64). Arrests included a high percentage of pre-emptive interventions, with 13 per cent of all cases being preventative – i.e. poaching gangs were intercepted on their way to poach rhinos, but before they had managed to kill an animal. These cases are of vital importance, saving a high number of rhinos while still apprehending perpetrators. In this way, 39 would-be poachers and accomplices were arrested during 2023 (see also pp. 64–65).

Anti-poaching patrols continue to represent the front line of rhino protection. Anti-poaching units are deployed in national parks (national security forces), community conservation areas (community rhino rangers and national security forces), and numerous private reserves (private APUs). Active patrols are a vital crime-prevention measure, making access to rhino ranges by poachers difficult, and detecting illegal activities when incursions take place. Such detection has led to arrests in a number of cases. Anti-poaching patrols work together with additional security structures and systems, including security fences, CCTV, and a range of surveillance techniques.

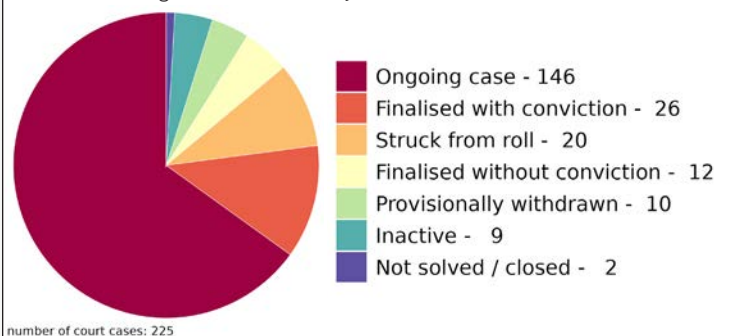
Dehorning of rhinos remains an important crime-prevention strategy by reducing the potential rewards of poaching. While relatively recently dehorned rhinos are sometimes poached, and even small horn stubs may be taken, dehorning is generally considered an effective strategy to reduce poaching incentives (see also p. 65). Effective rhino

protection and law enforcement ensures that the risks of rhino poaching are relatively high in Namibia, while dehorning ensures that potential rewards will be low amongst easily accessible rhino populations.

A number of commendable deterrent sentences have been handed down in rhino cases in recent years, including during 2023 (see pp. 16–17). These were celebrated by the entire rhino conservation, protection and law-enforcement fraternity as a major step. Unfortunately, the judgment in an appeal case handed down by the High Court in late 2023 drastically reduced the original deterrent sentences in the most high-profile case (see also pp. 20–21).

The low number of finalised cases achieved for rhino crimes is a matter of concern regarding rhino protection in Namibia (see also p. 62). While conviction rates in finalised cases have been reasonable (see opposite), far too few cases are being finalised with convictions (see details below). An increasing backlog of cases is a systemic challenge for the judiciary (see also pp. 37–39), which is particularly noticeable in complex cases involving rhino syndicates (see also pp. 62–63).

Case status in rhino cases (only cases involving arrests)
for all cases registered between 1 Jan 2015 and 31 Dec 2023



Numerous rhinos are injured during poaching attempts, urgent veterinary attention saves some of these animals, but at great expense



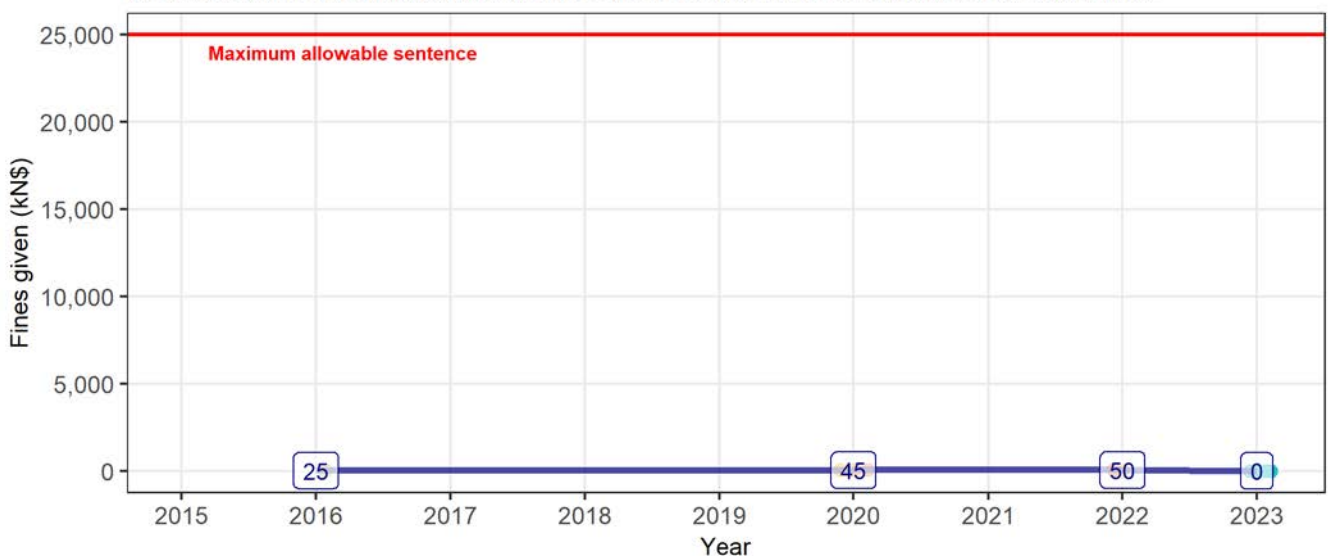
Maximum versus actual sentences related to rhino poaching

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation, and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Few perpetrators have been convicted of rhino poaching in Namibia; causes for the challenges in prosecuting rhino crimes are discussed in the notes on p. 62.
- Rhino poachers are mostly part of poaching gangs that have links to more extensive criminal syndicates; the aiders and abettors regularly arrested as part of a poaching incident may be prosecuted for charges other than rhino poaching.
- Rhino poaching often leads to a range of transgressions, including illegal entry into a protected area, the use of illegal firearms, criminal gang activity, trafficking, racketeering and money laundering; additional charges and the related sentences may not all be reflected in the below graphs.
- The significant jail terms imposed on 11 rhino poachers in two separate cases finalised in 2023 are reflected below (see details pp. 16–17).

12.12 MAXIMUM versus ACTUAL FINES (rhino poaching)

Annual distribution of fines (kN\$) issued for illegal hunting of rhino

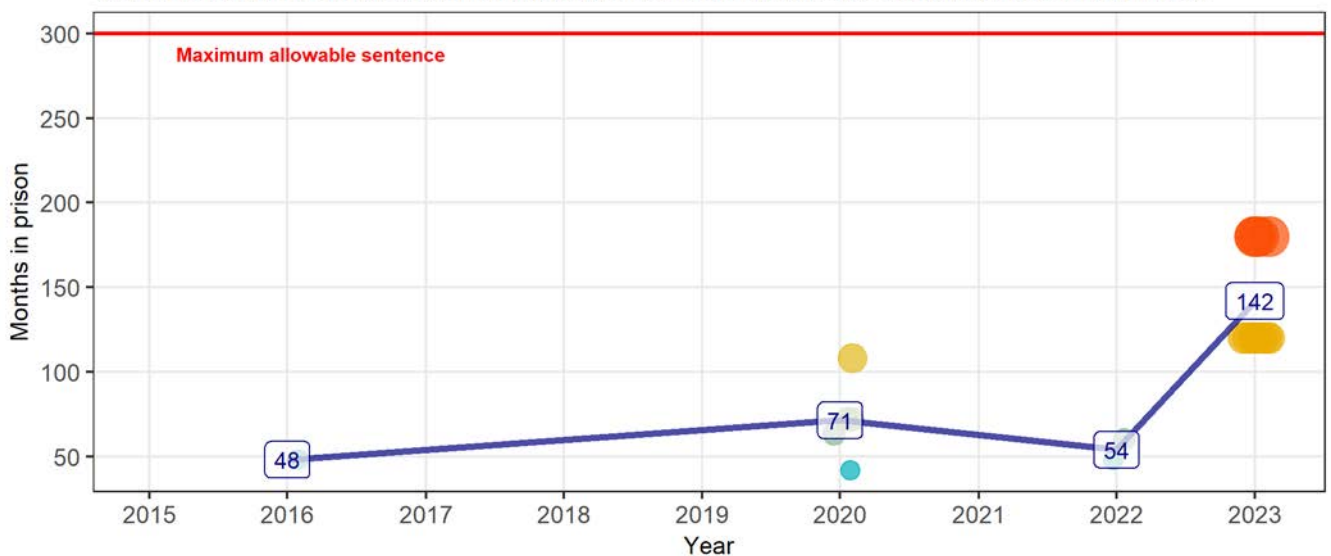
Charges were laid under Section 26 of the Nature Conservation Ordinance 4 of 1975, as amended Act 3 of 2017. The red line indicates the maximum allowable fine as per the Ordinance. The blue line indicates the annual mean.



12.13 MAXIMUM versus ACTUAL PRISON TERMS (rhino poaching)

Annual distribution of imprisonment (months) issued for illegal hunting of rhino

Charges were laid under Section 26 of the Nature Conservation Ordinance 4 of 1975, as amended Act 3 of 2017. The red line indicates the maximum allowable imprisonment as per the Ordinance. The blue line indicates the annual mean.



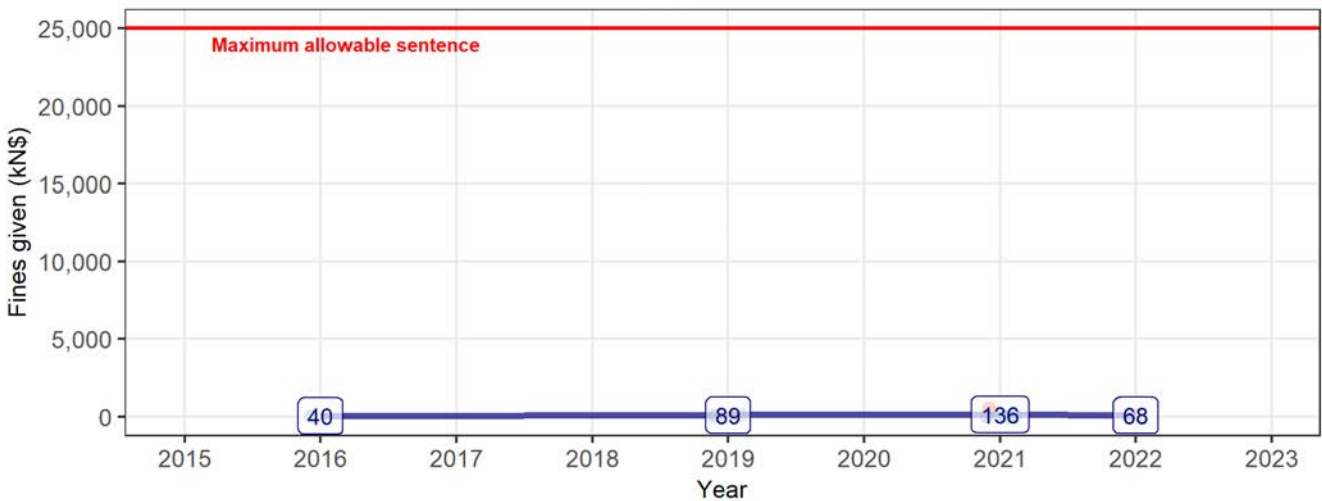
Maximum versus actual sentences related to trafficking of rhino horns

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation, and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Very few perpetrators have been convicted of rhino trafficking in Namibia; causes for the challenges in prosecuting rhino crimes are discussed in the notes on p. 62.
- The 20-year prison terms imposed on four Chinese in 2019 remain the most significant sentences for rhino-horn trafficking.
- Rhino crimes are complex and often include a range of charges other than illegal possession and dealing of rhino products; additional charges and the related sentences may not all be reflected in the below graphs.
- No sentences for possession of or dealing in rhino horns were imposed during 2023.

12.14 MAXIMUM versus ACTUAL FINES (rhino trafficking)

Annual distribution of fines (kN\$) issued for illegal possession and dealing of rhino products

Charges were laid under Section 4 (1)(a) and (1)(b) of the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable fine as per the Act. The blue line indicates the annual mean.



12.15 MAXIMUM versus ACTUAL PRISON TERMS (rhino trafficking)

Annual distribution of imprisonment (months) issued for illegal possession and dealing of rhino products

Charges were laid under Section 4 (1)(a) and (1)(b) under the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable imprisonment as per the Act. The blue line indicates the annual mean.



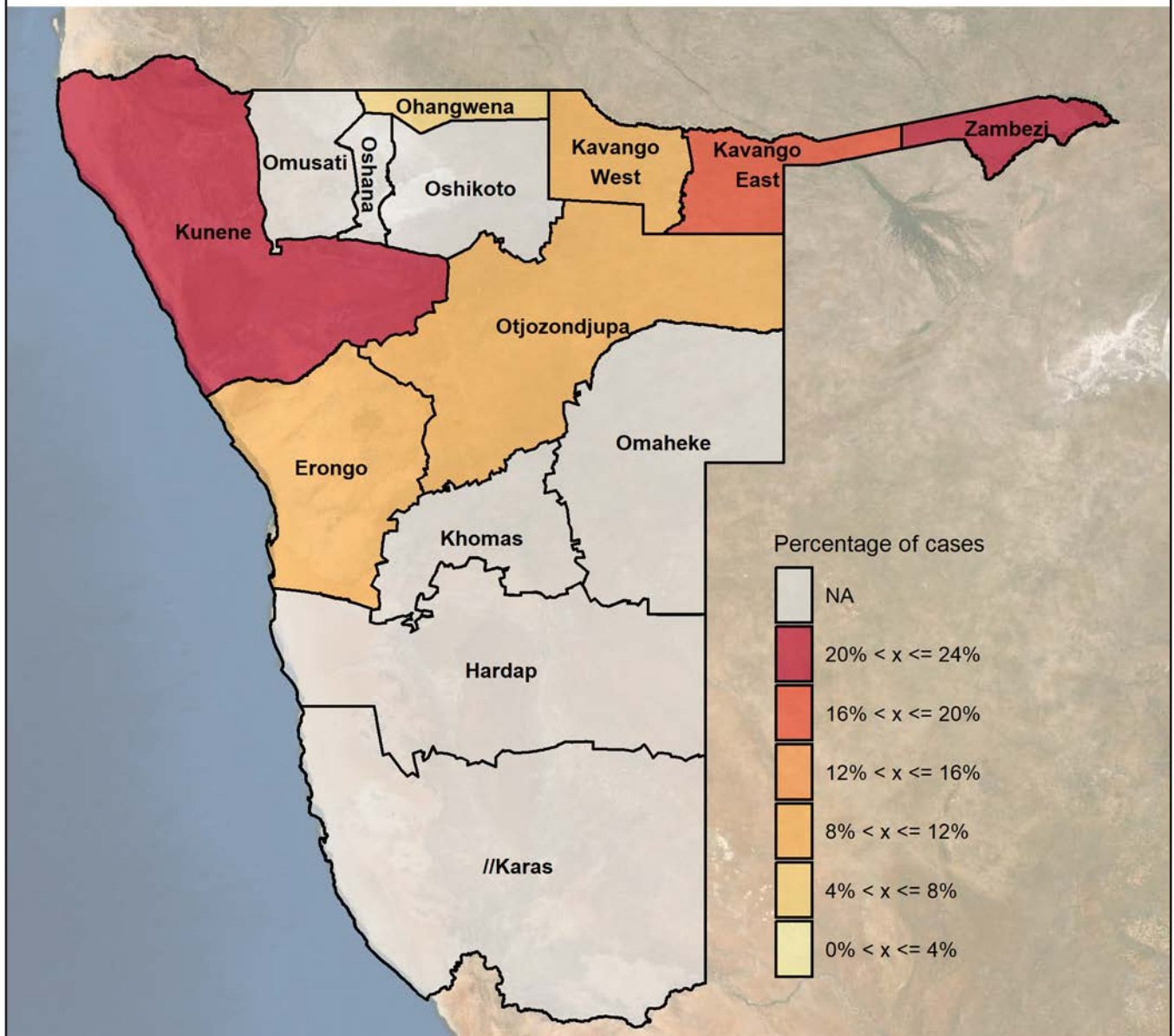
13. PLANT POACHING AND TRAFFICKING TRENDS 2015–2023

13.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to PLANTS during 2023

Regional distribution of plant cases

- Plant cases can currently be divided into three categories:
 - timber (occurring mostly in the far northeast of Namibia, especially in the northeastern Otjozondjupa, Kavango and Zambezi regions)
 - live plants (mostly rare and endemic succulents, occurring mostly in the arid west and south of the country)
 - devil's claw (used for medicinal purposes, occurring in sandy soils across much of Namibia except for the arid west)
- The map indicates registered cases of plant crimes, which may consist of illegal harvesting of plants, trafficking of plant products, illegal possession of plant products or other offences related to plants; the map does not reflect plant distribution, nor necessarily where crimes occurred.
- Regional distribution of cases varies significantly from year to year, although the small number of currently registered cases (18 cases registered across 7 regions in 2023) skews the apparent prevalence in any one region.

Regional distribution of wildlife crime cases registered in 2023
(only cases related to plant poaching/trafficking)



Illegal harvesting of Namibia's timber resources continues despite a harvesting moratorium, in place since 2018; timber harvested illegally in Namibia is smuggled into neighbouring countries, or laundered into existing stockpiles of legal timber in Namibia.



Freshly cut rosewood (Guibourtia coleosperma) in the Zambezi Region, near the Namibian border with Zambia, December 2023.

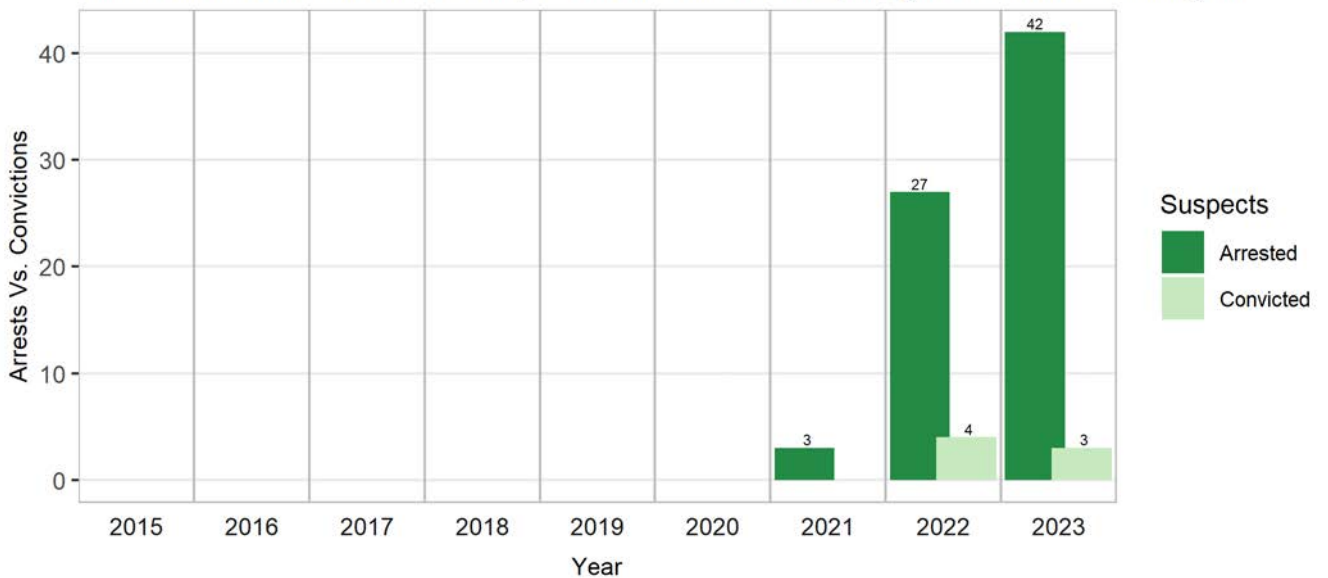
Arrests, convictions and seizures related to plants

- **Annual arrests vs. current conviction status** (as at 1 April 2024) shows that arrests have only been recorded since 2021, and only 7 convictions had been achieved by 1 April 2024; the rapidly increasing number of arrests per year indicates that this is an expanding sector of major concern.
- **Seizures of plant products** have been significant; clearly, plant products are being illicitly harvested and trafficked in large volumes, which can have a rapid impact on plant populations, especially those of rare species with a localised distribution.

13.2 ARRESTS versus CONVICTIONS (plants) [current status on 1 April 2024]

Annual arrests vs. their current conviction status (plant poaching/trading)

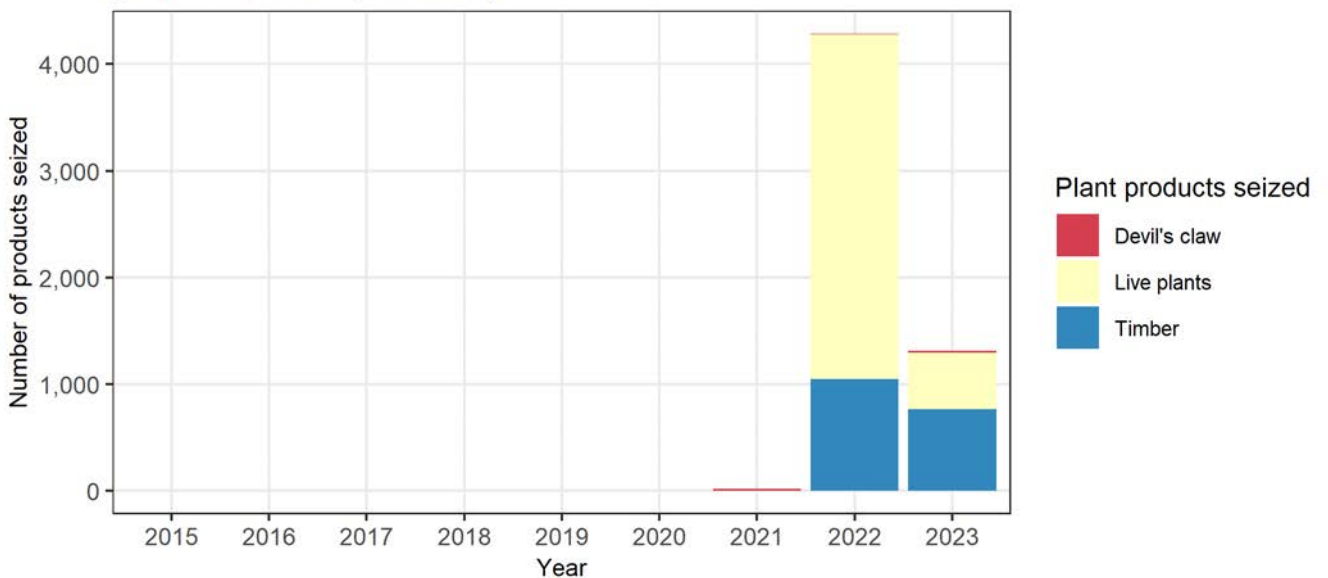
The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



13.3 SEIZURES (plants)

Plant products seized per category per year

(Bar position indicates the year of seizure)



BII. Status update – plant protection in Namibia

Records of poaching and trafficking of live plants for the international ornamental-plant market have skyrocketed in Namibia over the past two years. Arrests of suspects for crimes related to plants have increased from 3 in 2021 to 42 in the past year (see opposite). At least a part of the increase must be attributed to focussed law-enforcement effort, including proactive investigations into the online trade of Namibian plants. These investigations were motivated by the prolific trafficking of live plants reported from South Africa in recent years, particularly from the northern Cape and the Nama Karoo and Succulent Karoo biomes shared with Namibia¹. These biomes are home to a high number of attractive localised endemics, which fetch premium prices as ornamental plants.

Investigations related to active cases of live-plant trafficking, as well as broader probes into global trade dynamics, have revealed wide-ranging criminal connectivity. Well-organised criminal syndicates with international connections are clearly targeting Namibian flora. Endemic and near-endemic Namibian plants are openly offered for sale on the internet. Many of these can be identified with a high degree of confidence as specimens illegally harvested from the wild, based on their growth forms and other characteristics.

Although it is an arid country, Namibia is blessed with a rich diversity of rare and interesting plants, including localised endemics that are very susceptible to poaching. Currently elephant's foot (*Adenia pechuellii*, depicted on the cover of this report), which is classified as endemic to the Namib Desert², appears to be one of the most-targeted species. Numerous seizures of large consignments of elephant's foot have taken place over the past three years. The plant is extremely slow growing and has a patchy distribution of localised stands. Unless poaching can be rapidly curbed, elephant's foot may become extinct over much of its current range.

Devil's claw, *Harpagophytum zeyheri* and *Harpagophytum procumbens*, are indigenous plant species with valuable medicinal properties, which have become sought after internationally. Sustainable, legal harvests of devil's claw tubers from wild plants have been providing an important source of income to rural communities for many years³. Unfortunately, attempts to launder illegal harvests into the controlled legal trade continue to be uncovered. A number of illegal consignments of devil's claw were seized in recent years, including 2023. Some of the material is illegally harvested in neighbouring countries and smuggled into Namibia.

Namibia's timber resources continue to suffer from illegal exploitation for three different markets: timber; firewood,

and charcoal. A moratorium on timber harvesting has been in place since 2018 to protect vulnerable woodlands against overexploitation. Illegal harvesting of timber, laundered via legal stockpiles held since before the moratorium, has been identified as an issue of major concern. Cross-border trafficking of illegal timber between Namibia and neighbouring countries also remains a significant challenge.

The charcoal and firewood industries have experienced a massive boom in Namibia in recent years. High-quality firewood is in great demand for use in the tourism industry, in urban centres, and as an export commodity. Rural communities across Namibia, as well as urban communities in informal settlements, continue to rely on wood as a source of fuel for cooking, and as construction material. Controlled legal charcoal production is seen as a positive two-pronged result, generating income while countering bush encroachment, thereby reclaiming rangeland for livestock. Yet the global demand for charcoal has seen a rapid increase in production in Namibia, especially for export. This has led to indiscriminate harvesting of wood for charcoal and firewood, often illegally targeting protected tree species such as camel thorn, *Vachellia erioloba*, and mopane, *Colophospermum mopane*, both of which produce high quality materials.

All of these combined demands are resulting in widespread over-exploitation of plant resources in many parts of Namibia. Law enforcement is made particularly difficult by the fact that all of the illicit activities are interlinked with some degree of legal use, while limited international legislation protecting targeted plants hampers global countermeasures.



The many Namibian endemic pachycauls popular as ornamental plants include the slender corkwood, Commiphora virgata

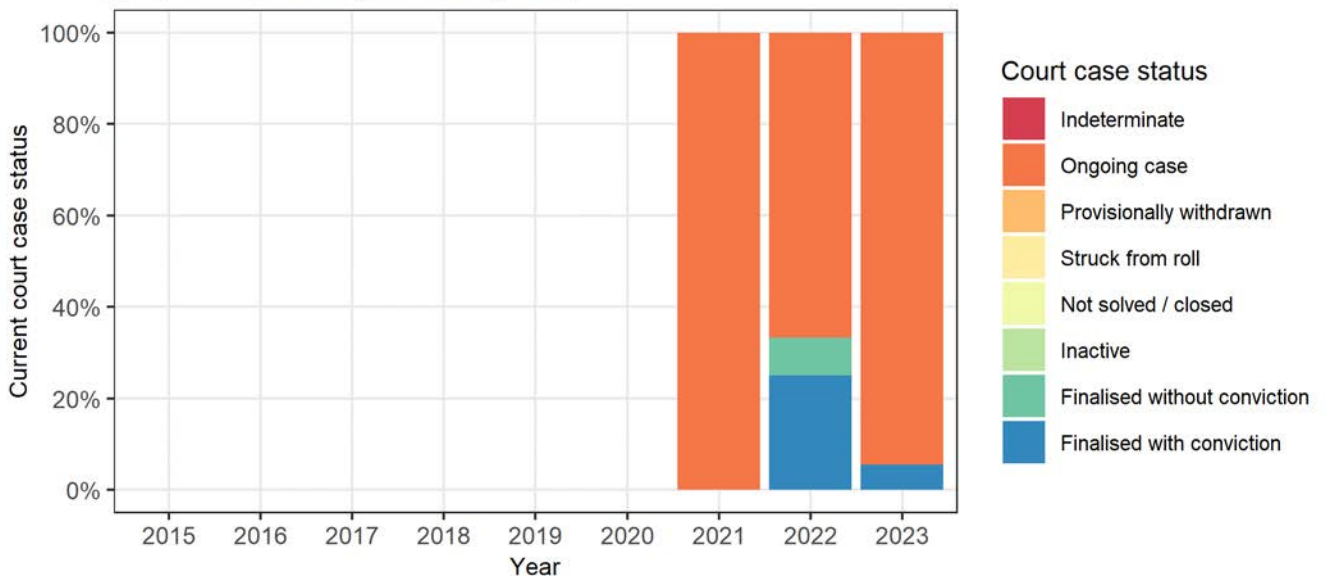


Current case and suspect status in plant cases

- **Current case status** (as at 1 April 2024) shows that the first plant case was only registered in 2021 (single case); of the 12 cases registered in 2022, only 4 had been finalised by 1 April 2024.
- **Current legal status of suspects** (as at 1 April 2024) shows most suspects are currently in custody awaiting trial.

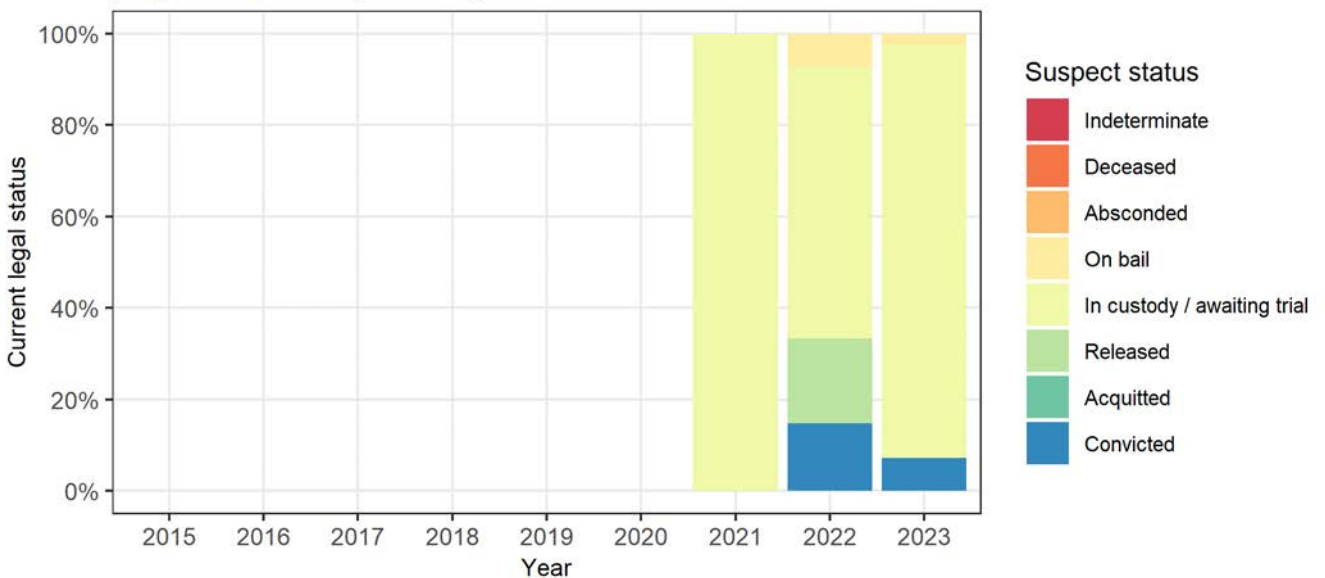
13.4 CURRENT CASE STATUS (plants) [current status on 1 April 2024]

Current court case status as percentage of cases registered per year (plant poaching/trading cases)
(Bar position indicates the year of case registration)



13.5 CURRENT LEGAL STATUS of SUSPECTS (plants) [current status on 1 April 2024]

Current legal status of suspects arrested per year in line with plant poaching/trading
(Bar position indicates the year of arrest)



Poaching of rare and endemic Namibian plants for the global ornamental-plant trade is having a massive impact on susceptible plant communities; elephant's foot, *Adenia pechuelii*, is a slow-growing endemic with a localised distribution, which is at risk of local extinction through poaching.



Confiscated *Adenia pechuelii*,
Erongo Region, June 2023.

14. EMERGING WILDLIFE-CRIME SECTORS – TRENDS 2023

14.1 TRANSGRESSIONS IN LEGAL GAME-USE INDUSTRIES

The legal utilisation of wildlife has shown tremendous growth in Namibia in recent decades, through sectors including conservation hunting, trophy shooting, taxidermy, game breeding and game dealing. All of these sectors are subject to clear permit and reporting requirements, administered by the MEFT. Live game and wildlife trophies have exhibited price extremes, such as millions of Namibia dollars paid for sought-after individual animals for breeding purposes, and hundreds of thousands of Namibia dollars paid for individual wildlife trophies. This has motivated various developments, many of which are counterproductive to the conservation of indigenous biodiversity, and others that are illegal and very damaging to Namibia's positive conservation image.

Game-proof fences have become ubiquitous on freehold land, blocking natural wildlife movements and genetic exchange, and inhibiting biodiversity health. The introduction of species that are not indigenous to Namibia (e.g. blesbok, black wildebeest, nyala) has become widespread, as has the keeping of species in unsuitable habitat (e.g. lechwe, waterbuck in the Red Kalahari). Numerous transgressions are being uncovered in the game-dealing, trophy-shooting and taxidermy sectors, including disregard for permit and reporting conditions, and syndicate-style illicit activities related to trophy shooting. Criminal activities are being prosecuted, while proactive engagement with industry stakeholders seeks to protect our country's biodiversity and national identity.

14.2 RAPIDLY EXPANDING PLANT POACHING AND TRAFFICKING

The presence of live-plant trafficking in Namibia, which had been suspected due to the prevalence of this sector in neighbouring areas of South Africa, was first confirmed through arrests of suspects and seizures of products in 2021 and '22. During 2023, further arrests and seizures, and related in-depth investigations, exposed far-reaching international involvement in the poaching and trafficking of live plants in Namibia. The trade is clearly fuelled by online marketing – endemic Namibian plants are available for purchase on numerous online platforms. The prices being advertised indicate the lucrative nature of the trade, while large specimens being offered for sale are highly likely to have been poached in Namibia, rather than cultivated.

The timber-harvesting sector in Namibia also continues to suffer from illicit activities, despite a 2018 harvesting moratorium. During 2023, two aspects were prevalent: 1) illicit timber-harvesting incursions by foreign nationals from neighbouring countries, with the timber apparently laundered into legal harvests in those countries; 2) illicit timber harvesting carried out by Namibians, with the timber laundered via legal stockpiles stored prior to the moratorium.

These and other illicit activities exploiting Namibian plant resources (e.g. unsustainable firewood and charcoal harvesting) are putting a massive burden on our country's flora, which requires urgent countermeasures.

14.3 LIVE-REPTILE TRAFFICKING GOING UNNOTICED?

Trafficking of live reptiles is globally recognised as a sector of major concern, which is threatening numerous species. Lack of international protection for the majority of reptiles complicates countermeasures. Research has found that over 35 per cent of all globally known reptile species are traded online, but only around 25 per cent are protected by law¹. Countless species are being kept and bred legally in various countries, blurring the legal and illicit trades.

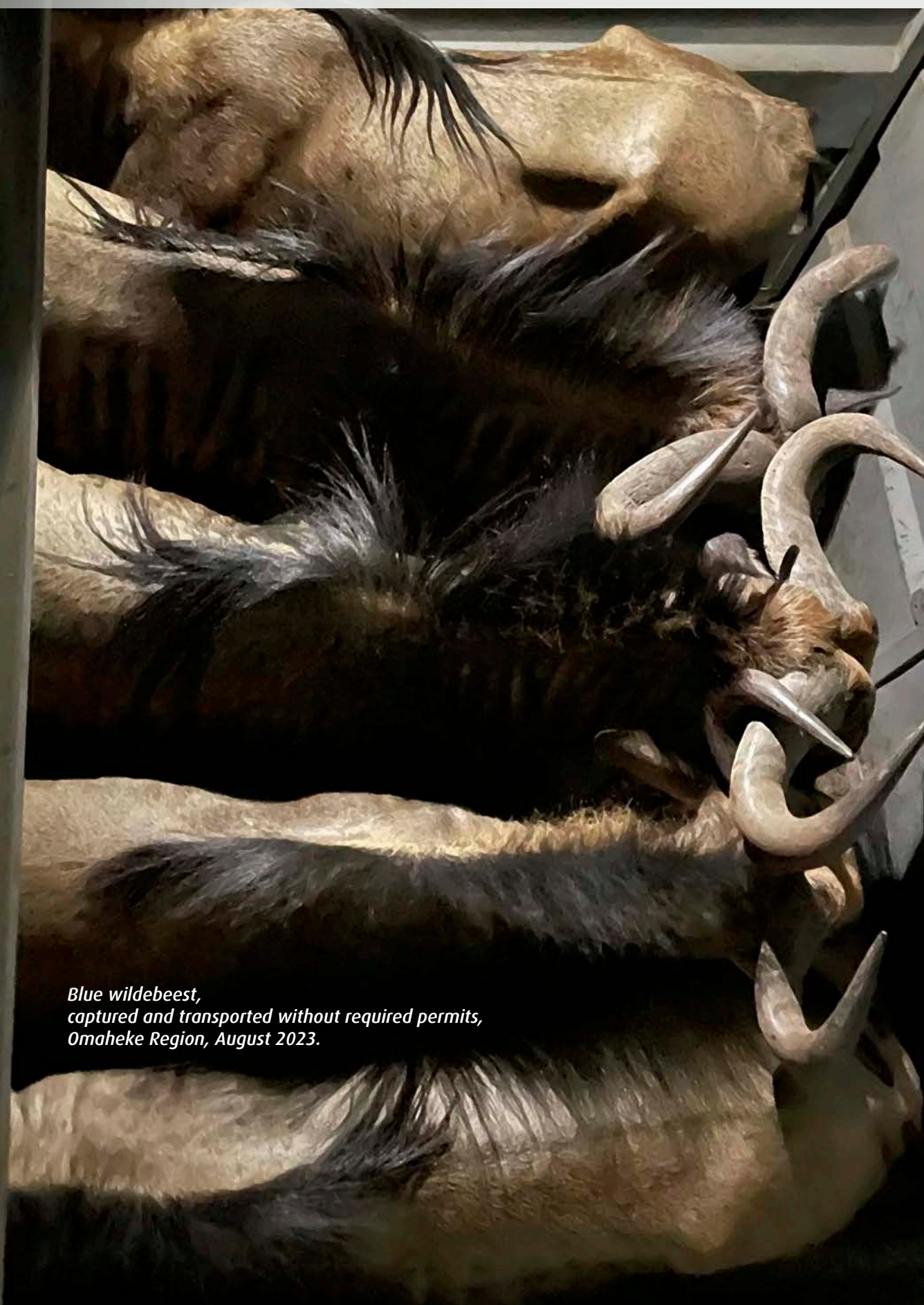
Namibia is home to many rare and endemic reptiles that are of great interest to collectors. Some iconic species such as the Namib web-footed gecko are already popular on internet forums exchanging information on keeping and breeding of reptiles. Anecdotal evidence of declining reptile sightings in

tourism hotspots, occasional international seizures of species of Namibian origin, and online information all indicate that trafficking of Namibian reptiles may be rife, but is currently going unchecked². South Africa has already recorded numerous cases of reptile trafficking in recent years³. While no recent cases have been registered in Namibia, it is highly probable that illicit trade in live reptiles is also taking place here.


The massive expansion of criminal activity related to Namibia's natural resources is severely straining conservation and law-enforcement capacities, with the result that not all sectors of concern are presently receiving due attention. It is thus important that additional capacities are created to deal with live-reptile trafficking, amongst other sectors.



Widespread transgression have been uncovered in the legal game-use sector, including disregard for permit and reporting requirements, and syndicate-style illicit activities related to trophy shooting.



*Blue wildebeest,
captured and transported without required permits,
Omaheke Region, August 2023.*



Foam sandals worn by poachers to obscure footprints; confiscated during an arrest in Etosha National Park October 2023.

Sentences for wildlife crimes vary greatly. While the seriousness of a crime, the circumstances of the accused and the interests of society all play a central role in judgments, there is clearly great variation in the interpretation of these criteria. In some cases, poaching for meat to eat has received harsher penalties than attempts – by repeat offenders – to poach rhino for financial gain.

A2. SPECIAL FOCUS: WHAT IS AN APPROPRIATE SENTENCE FOR WILDLIFE CRIME?

In 2023, the High Court of Namibia reversed a number of noteworthy sentences given to wildlife criminals. The original sentences, and particularly one in a high-profile rhino case, had been celebrated by conservation, law enforcement and prosecution personnel as finally recognising the seriousness of such crimes and dispensing appropriate penalties that correspond to maximum sentences as prescribed by national legislation (see also pp. 20–21). Yet the High Court of Namibia, while upholding guilty verdicts, judged the sentences as being too harsh. So what is an appropriate sentence for a wildlife crime? What is suitable punishment for rhino poachers motivated by greed?

SENTENCES ARE INFLUENCED BY NUMEROUS FACTORS

Wildlife in all its diverse forms has always been a fundamental resource for people. Legal, sustainable use of wildlife is entrenched in the Namibian constitution. The regulations governing legal use are clearly defined on paper – but in the minds of the people, access to wildlife is a fundamental right from which they often feel alienated by unjust systems. Differing circumstances and motivations drive wildlife crimes, and their seriousness may vary significantly. Within this convoluted meld, the interests of society are complex – and appropriate sentences are elusive.

How do courts decide on an appropriate sentence?

Sentences are prescribed by the presiding courts on a case-by-case basis, determined by the seriousness, circumstances and public interest of each case. Yet sentences in Namibia currently exhibit great variation, even amongst cases with seemingly similar parameters.

Criminal prosecution is activated by applicable criminal charges, as prescribed by legislation, and based on evidence gathered during investigations. Legislation includes maximum sentences that may be imposed in relation to a particular offence. These provide broad guidelines regarding the seriousness of offences, although the circumstances of the crime, including the circumstances of the accused, play an important role. If a suspect is found guilty of a particular offence as described by legislation, then the presiding court must deliver a sentence that it deems appropriate, within the limits prescribed by the legislation. Yet what is deemed appropriate is open to interpretation, based on a range of broad parameters. Namibian courts currently do not have formal sentencing guidelines for wildlife crimes.

Sentences are meant to achieve three basic objectives:

1. Punishing the perpetrator
2. Protecting society
3. Deterring and reducing crime

Within these objectives lie five fundamental purposes of legal punishment:

1. Deterrence
2. Incapacitation
3. Rehabilitation
4. Retribution
5. Restitution

Sentences should seek to address these objectives and purposes as applicable to the particular crime, perpetrator and related interests of society (including the directly affected parties, as well as the wider interests of the public). The final aim of sentences is to serve justice and administer the law in the best interest of society.

Three fundamental sentencing principles, known as the ‘triad of Zim’ are applied when judging a crime and deciding on a sentence:

1. Seriousness of the offence

- Judging the seriousness of an offence can be complex:
 - maximum penalties help indicate seriousness
 - all impacts of the crime should be considered
 - a criminal intent must be clear

The complex seriousness of wildlife crime continues to be underestimated.

2. Circumstances of the accused

- The circumstances of the accused can be complex:
 - personal, financial and social circumstances
 - aggravating factors
 - mitigating factors

The circumstances of the accused are a central factor in achieving an appropriate sentence.

3. Interest of society

- The interests of society are multi-faceted:
 - protecting society from dangerous criminals
 - protecting society against the effects of crime
 - ensuring justice is served according to the law

The complex interests of society continue to be underestimated.



A2.1 THE COMPLEX SERIOUSNESS OF WILDLIFE CRIME

The complexity and resultant seriousness of some wildlife crimes is underrated by the courts when judging cases and delivering sentences, while some minor offences and inadvertent transgressions are resulting in undue punishment. The effects of some wildlife crimes go far beyond the loss of individual animals or plants, and may have national and global impacts. Yet a range of transgressions with very different degrees of seriousness may be classified as wildlife crimes – requiring a nuanced approach.

The seriousness of a crime is formally recognised through Namibian laws and international treaties:

- National legislation
 - protection status of species
 - maximum penalties for offences
 - intent (conspiracy) to commit a crime carries the same penalties as if the crime was committed
- more than ten different Namibian acts include legislation that may be relevant to wildlife crimes
- various provisions enable repeat offenders to be penalised more heavily.
- International protocols
 - Namibia recognises numerous international protocols and treaties related to wildlife.

The far-reaching impacts of wildlife crime include:

- Biodiversity impacts –
 - threat of extinction, particularly for rhinos, pangolin, rare plant species, and to a lesser degree elephant
 - direct loss of killed animals, as well as loss of future breeding potential, leading to more rapid population decline
 - loss of genetic diversity
 - loss of important drivers of ecosystem health.
- Economic impacts –
 - damage to individual livelihoods
 - loss of tourism attractions for conservancies, private reserves and state-protected areas
 - damage to tourism and conservation-hunting sectors
 - damage to national economy.
- National security impacts
 - proliferation of illegal firearms and ammunition
 - proliferation of money laundering and weakening of national financial integrity
 - proliferation of organised gangs/crime syndicates promoting a range of criminal activities
 - proliferation of corruption
 - national/international health threat of untreated wildlife products.

Appraisal of a crime's seriousness must consider threats to:

- individual safety of people
- national security
- long-term national investments in species conservation
- investments in wildlife protection (motivated by crime)
- investments in law enforcement (motivated by crime)
- wildlife economies (e.g. rhino tourism)
- Namibia's positive conservation reputation.

Appraisal of a crime's seriousness should also ask:

- What was the intent of the perpetrator?
- What is the live value of the animal or plant?
 - most protected species have a defined value
 - this represents the loss for the affected party.
- What is the value of the trafficked products?
 - approximate values of illicit products are known
 - these represent the potential gain for the accused.
- What is the cost of protection and law enforcement?
- What are associated risks/threats?
 - e.g. public safety, national security
- What are the knock-on effects?
 - e.g. impacts on wildlife economies, investments in wildlife conservation, protection, law enforcement.

Wildlife crimes can be divided into various categories

- Organised poaching and trafficking targeting any species that has a high value for sale at international markets (high-value-species crimes)
- Organised poaching targeting meat species for sale at local markets
- Poaching of meat species for own consumption
- Retaliatory or preventative killing of conflict species
- Keeping live wild animals for financial gain
- Negligent transgressions against permit requirements
- Inadvertent transgressions

High rates of organised wildlife crime and its impacts on the environment, economy and society have forced government to revise legislation and increase maximum penalties to protect Namibia's natural resources against criminal exploitation.



A2.2 THE COMPLEX CIRCUMSTANCES OF THE ACCUSED

The circumstances of an accused – both in terms of their personal situation and in terms of the conditions of the crime – play a central role in achieving an appropriate sentence. Motivations for criminal activity vary widely, but are generally determined by the personal, social and economic situation of the perpetrator. An important aspiration of sentencing should be the rehabilitation of perpetrators as productive members of society.

The circumstances of an accused are complex, with a range of factors playing a role, which can be divided into a number of categories:

- Financial circumstances –
 - did poverty or hunger motivate the crime?
 - is the accused financially secure?
 - can the accused pay a prescribed fine?
- Social circumstances –
 - is the accused a respected member of society?
 - does the accused feel aggrieved or discriminated?
 - did the accused use a position of influence to facilitate the crime?
- Personal circumstances –
 - does the accused show remorse?
 - is the accused the sole provider for their family?
 - do children depend on the guardianship of the accused?
- Criminal circumstances –
 - has the accused been involved in crime in the past?
 - is the accused part of a criminal gang or syndicate?
- Effects of the sentence –
 - how will the accused be affected by the sentence?
 - can the accused be rehabilitated as an active member of society, and what role can the sentence play in this?

Aggravating circumstances

The criminal circumstances of an accused may indicate an intricate and deliberate, long-term involvement in crime,

which should be considered as aggravating circumstances:

- Previous criminal record –
 - offence committed while on bail for other offences
 - repeat offender
 - multiple serious charges
- Involvement in organised crime –
 - operating as a group, gang or syndicate
 - leadership role in planning/executing offence
 - coercing others to take part in crime
 - use of firearms
 - deliberate damage to property (e.g. wounding several rhinos)
 - intent to commit further crimes (e.g. hiding firearms at strategic locations for future use)
- Abuse of a position of influence or trust (inside job; abuse of a position of authority)
- Obstruction of justice (concealing/destroying evidence etc.)
- Aim of unwarranted illegal financial gain.

Mitigating circumstances

Circumstances that reduce the liability of the accused and lead to leniency during sentencing may include:

- immediate admission of guilt and show of remorse
- active cooperation with investigators
- having been coerced into crime by others
- personal circumstances such as extreme poverty and hunger that motivated involvement in crime.

The circumstances of the accused play a central role in sentencing



A2.3 THE MULTIFACETED INTERESTS OF SOCIETY

Wildlife crime not only has an impact on the animals or plants being poached – it has a far-reaching impact on the environment, the economy, and society. The interests of society in relation to these impacts are often reduced to whether the public shows an interest in a case or issue, be it through media coverage, social media posts, or demonstrations. Yet the interests of society are much more complex and frequently obscured, and during sentencing are often not given the gravity they deserve.

In the best interest of the public

In the context of a court ruling, the first and foremost meaning of 'the interests of society' should be interpreted as 'what is in the best interest of the public?', rather than 'is the public interested in this issue?' Public interest should not be measured primarily by the interest that the public shows towards a case or issue through media coverage, public statements, social media interest, or public demonstrations. Recognising what is in the best interests of society must include the following:

- Protecting society against potentially dangerous individuals (e.g. armed and dangerous criminals)
- Protecting the national heritage of Namibia against crime, for the benefit of current and future generations
- Protecting Namibia's positive reputation, built up over more than three decades of peace, stability and growth
- Recognising efforts by government, conservation organisations, international partners and the public to protect particularly threatened species (e.g. rhinos) against illegal exploitation
- Ensuring that justice is served according to the law

The social aspects of the impacts of wildlife crimes include:

- Disrupting social structures in communities
 - promoting lawlessness/drawing others into crime
- Promoting corruption by offering bribes and pay-offs
- Presenting a danger to park staff, law enforcement officers and the general public through the illegal and

irresponsible use of firearms

- Deliberately targeting vulnerable wildlife
 - rhinos and pangolin are threatened with extinction
 - rhinos and pangolin are easy, defenceless targets
 - rhinos and pangolin pose no direct danger to people
- Cruelty to animals
 - injuring and abandoning targeted animals
 - keeping pangolin in captivity in cruel circumstances (e.g. without food or water)
 - firing numerous shots at rhinos or elephant before killing the animals
 - wounding numerous animals
 - cutting off a rhino's horns while it is still alive
 - mistreating, injuring or abandoning rhino or elephant calves
- Damaging the long-term conservation efforts and investments by government, communities and the private sector
- Diverting national funds to wildlife protection, law enforcement and the judiciary, which could be used for a range of purposes with positive national outcomes
 - loss of funds for conservation
 - loss of funds for communities
 - loss of funds for national development
- Damaging the reputation of Namibia, which not only reflects on the country, but also on individual Namibians, who may be seen as potential criminals.

Wildlife crime often involves illegal firearms, which pose a variety of risks



A2.4 AN APPROPRIATE SENTENCE

If a sentence handed down by a court for a defined crime is to be considered appropriate by the stakeholders affected by that crime, it must be meaningful in its punishment of the perpetrator, its deterrent effect, and its protection of public interests. Many sentences currently meted out by Namibian courts do not fulfil these objectives. Such sentences are counterproductive to the efforts by Namibian and international partners seeking to protect our country's natural heritage against criminal abuse.

Sentences are meant to achieve three basic objectives:

1. Punishing the perpetrator – demonstrating to the perpetrator that criminal acts will not be tolerated.
2. Protecting society – shielding society from the direct dangers (injury, loss of life or property) and broader impacts (environmental, economic, social, reputational) of crime.
3. Deterring and reducing crime – discouraging the perpetrator and society from criminal acts.

Five fundamental purposes guide legal punishment:

1. Deterrence – specifically discouraging a perpetrator from repeating a crime; generally discouraging others from committing a similar crime.
2. Incapacitation – actively preventing a perpetrator from repeating the crime, particularly through a custodial sentence.
3. Rehabilitation – encouraging a perpetrator to change their criminal behaviour.
4. Retribution – serving an official punishment to discourage society from avenging a crime, and providing justice to victims.
5. Restitution – reparation by perpetrators to those affected by the crime.

Punishment should be meaningful:

- to the perpetrator – who must be able to pay the fine or understand the meaning of serving the punishment
- to the affected parties – who must feel that the wrong against them has been appropriately addressed
- to the public – who must feel that justice is being served and the interests of the nation are being protected.

Punishment should be in reasonable relation to the maximum penalties, as prescribed by legislation

Maximum allowable penalties indicate the seriousness of a crime and should not be disregarded during sentencing.

Punishment must be in reasonable relation to the value of the poached or trafficked species or product

The value of the species or product indicates the potential reward that a perpetrator can gain from trafficking it, as well as the loss to the affected parties and the public; this includes:

- value of the species alive in its habitat
- value of the product on the black market
- value of the product for current/future generations.

Punishment should recognise investments to protect the targeted resources against illicit exploitation

If a great range of stakeholders all invest heavily in conservation, protection and law enforcement related to individual species such as rhinos, then the courts should recognise such efforts when delivering a sentence; this includes:

- investments to restore/conservate resources over time
- investments to protect resources against crime
- investments to investigate and prosecute crime.

Who decides on the final sentence?

- The penalties handed down in any particular case are at the discretion of the presiding court
- Prosecutors can make submissions regarding sentencing
- While each criminal case is unique, it is important to strive for a uniform approach to penalties
- Case Law provides guidance in legal-precedent situations, where past legal decisions have resolved ambiguities or provided a basis for sentencing and penalties.

Fines would only “show society that it is permissible to hunt specially protected species ... and once convicted, and you have money you can buy your freedom back.”

Magistrate Shuuvani, motivating the sentence handed down in a rhino-poaching case (Gobabis CRM 1181/2019)



A3. UNDERSTANDING AND USING WILDLIFE CRIME DATA

For many decades, the Namibian environmental sector has fostered a culture of monitoring, data gathering and data interpretation, which ultimately enables informed and adaptive management. In keeping with these aims, wildlife crime data has been gathered by various agencies for many years, although in the past the information was not consistently aggregated as one national dataset.

The unprecedented surge in targeted, well-organised wildlife crime over the past decade motivated a variety of urgent countermeasures. This included initiatives to ensure comprehensive, coordinated data gathering and analysis. The idea of one national Integrated Database of Wildlife Crime in Namibia was first conceived in 2018. Its focussed development began in 2019 and first outputs were achieved during that year. By the beginning of 2020, consistent outputs were being generated.

A focussed effort was made to aggregate and enter disparate historical datasets, reaching as far back as 2009, into the integrated database. While it is recognised that there are some data gaps in some of the early data, particularly regarding cases of meat poaching, the gaps are considered inconsequential.

Data is now collected from all regions of Namibia via the regional police stations, regional prosecutor offices and regional MEFT offices. In some instances, it may take time to collect and enter all regional data. This may lead to minor data discrepancies between weekly, monthly and annual reports. The data of annual reports always supersedes that of other periodical reports.

All the separately collected data from the Ministry of Environment, Forestry and Tourism (wildlife data), the Namibian Police Force (law-enforcement data) and the Office of the Prosecutor General (prosecution data) is aggregated and entered into the integrated database. All data is carefully verified to avoid duplication. A wide range of comprehensive, streamlined data is now available for various applications. The primary aim of the database is to enable detailed analyses of various aspects of wildlife-crime dynamics in Namibia.

The database provides superb analytical capabilities, such as identifying links between known suspects/perpetrators, firearms, crime scenes and wildlife carcasses; identifying the most-targeted species and areas of crime prevalence; and evaluating the nationalities of perpetrators. Trends over time can be analysed in any category, and data can be mapped geographically to identify hotspots and gaps. All of this

enables investigators to work strategically, based on reliable information.

The compiled data includes:

- registered wildlife-crime cases
- wildlife mortalities caused by poaching
- seized wildlife products
- seized firearms
- seized vehicles
- arrests
 - nationality of suspects
 - relevant charges
 - targeted species
- areas of crime prevalence
- status and outcome of registered court cases
- legal status of suspects

The complexity of wildlife crime webs, connected via a myriad of local, national and international cohorts, requires detailed, in-depth investigations. These cannot be based on hunches or conjecture, but instead require systematic analyses of all available information. The database enables some of these analyses. It also helps investigators to focus their attention on priority areas, cases and suspects, and thus enables optimal use of limited resources.

The database can generate automated reports for different target audiences 'at the push of a button'. Internal reports are issued to law-enforcement agencies and relevant stakeholders to assist in the strategic allotment of funding, personnel and other resources.

The database has also enabled the MEFT and NAMPOL to issue detailed weekly wildlife-crime reports to the media, which have formed the basis of media reporting on wildlife crime since 2019. With this, government is demonstrating its commitment to transparency and accountability.

The Integrated Database of Wildlife Crime in Namibia is today the official national database for all data related to wildlife crime. Development of the database is ongoing. New features are added as new information and new technologies become available.



A4. IMPORTANT NOTES ON INTERPRETING NAMIBIAN WILDLIFE CRIME DATA

Please read these notes carefully to avoid misinterpretation of information:

1. Wildlife crime statistics are compiled on a weekly, monthly, quarterly and annual basis. They are generated at a given point in time from data which is continuously updated on a daily basis.
2. Statistics released of any particular period are not exhaustive. Case reports from regions may be received after the closure of that reporting period. These are added retroactively, which influences overall statistics.
3. Retroactive reporting will be reflected in compounded statistics (monthly, quarterly, annual). There may thus be slight discrepancies between weekly, monthly, quarterly and annual reports.
4. Some duplication of data may occur between regional and national reporting. This is identified during final data entry and may lead to a reduction in some totals in some instances.
5. The latest reporting period will always have the most up-to-date information. Always refer to the latest report available. If a discrepancy raises questions, please enquire about it with the MEFT.
6. Unless specifically noted otherwise, elephant and rhino poaching data is based on estimated date of death of the animal, not date of discovery of the carcass. Statistics of carcasses generally present a number of problems:
 - carcasses may be discovered a long time after the death of the animal (sometimes years);
 - the date of death of the animal may be difficult or impossible to determine;
 - some carcasses may never be discovered.Presenting statistics of carcasses based on estimated date of death is problematic, as statistics need to be adjusted retroactively when carcasses that are estimated to be quite old are discovered. This means that figures presented in this report may differ from figures previously published by the MEFT. Reported numbers of animals poached always constitute a minimum.
7. Many wildlife crime cases involve complex investigations, often over longer periods of time, which may or may not lead to the arrest of suspects.
8. Suspects can only be charged with an offence if there is clear, prima facie evidence against them, which can be used in a court of law.
9. Suspects are regularly arrested in possession of contraband, including illegal wildlife products and illegal firearms. These are often linked to previously reported poaching incidents, or in some cases to incidents that were previously unknown, but are uncovered through the arrest. All illegal items, and any other objects of relevance, are seized and used as evidence in court cases.
10. When suspects are found in possession of any contraband, such as illegal wildlife products, firearms or ammunition, the vehicles in which they transported those items may be seized as instrumentality in the commission of the alleged offence.
11. Follow-up investigations may lead to the additional seizure of firearms used in particular poaching cases, or other illegal firearms kept by the suspects.
12. The origin of seized wildlife products can not always be determined; animals may have been poached in Namibia or in neighbouring countries. This is of particular relevance in the Kavango and Zambezi regions of Namibia.
13. Illegal wildlife products are regularly smuggled into Namibia from neighbouring countries, either for attempted sale in Namibia, or in transit to other destinations.
14. After an initial arrest, investigations in many cases continue for longer periods of time (sometimes several years) and may lead to further arrests or seizures of contraband.
15. Court cases, like investigations, may be drawn out over several years. Direct links between arrest and conviction statistics for any one year should thus not be made (unless a link is specifically noted as part of a statistic).
16. Information on active cases is often extremely sensitive and can not be released to the public, as this would jeopardise investigations. All information that can be released will be made readily available to the public on request.



A5. LIST OF CURRENT PARTNERS

Namibian Partnerships against Environmental Crime (N–PaEC) is a broad coalition between government agencies, NGOs, private sector, local communities, international funding agencies and the general public. Disregard for all laws gives criminals an edge, as conservation and law enforcement agencies need to adhere to rules and regulations. By working together and creating strong partnerships across a broad range of institutions and individuals, N–PaEC can significantly reduce the criminal edge.

Through N–PaEC, the ministries of Environment, Forestry and Tourism and Home Affairs, Immigration, Safety and Security seek to engage all concerned stakeholders in the fight against wildlife crime. The below list is not exclusive and should be continually expanded to strengthen Namibia’s conservation and law enforcement efforts.

Government

Anti-Corruption Commission
Ministry of Agriculture, Water & Land Reform
Ministry of Defence
 Namibian Defence Force
Ministry of Environment, Forestry & Tourism
 Directorate of Wildlife & National Parks
 Wildlife Protection Services Division
 Intelligence & Investigation Unit
 Game Products Trust Fund
Ministry of Finance
 Financial Intelligence Centre
 Namibia Revenue Agency
 Directorate of Customs & Excise
Ministry of Home Affairs, Immigration, Safety & Security
 Namibian Police Force
 Directorate of Criminal Investigations
 Protected Resources Division
 Protected Resources Subdivisions
 Stock Theft Subdivisions
 Criminal Investigation Units
Ministry of Justice
 Office of the Attorney-General
 Office of the Prosecutor General
 Environmental Crimes Unit
 Money-Laundering Unit
 Asset Forfeiture Unit

Non-government organisations

Integrated Rural Development & Nature Conservation
Intelligence Support Against Poaching
Legal Assistance Centre
Namibia Animal Rehabilitation, Research & Education Centre
Namibia Nature Foundation
Pangolin Conservation and Research Foundation
Rooikat Trust
Save the Rhino Trust
WWF In Namibia

NGO umbrella organisations

Namibian Association of CBNRM Support Organisations
Namibian Chamber of Environment

International NGOs and funding agencies

Bureau of International Narcotics & Law Enforcement
 Affairs, USA
Global Environment Facility
Kreditanstalt für Wiederaufbau
TRAFFIC
United States Agency for International Development
United States Department of Agriculture - Forest Service
Wildcat Foundation
WWF

Local communities

Communal conservancies
 Communal farmers
Freehold conservancies
 Freehold farmers
Black-rhino custodians
White-rhino owners

Private industry

General business community
Mining industry
Tourism & conservation-hunting industries

The government welcomes all constructive stakeholder engagement. Support from Namibian companies and individuals is overwhelmingly positive and extremely wide-ranging. While it is impossible to mention all contributions here, each contribution is gratefully acknowledged.



A6. ABBREVIATIONS AND ACRONYMS

ACC	Anti-Corruption Commission	NAPHA	Namibia Professional Hunting Association
AG	Attorney-General	NARREC	Namibia Animal Rehabilitation, Research and Education Centre
AML	anti-money-laundering	NCE	Namibian Chamber of Environment
APU	Anti-poaching unit	NDF	Namibian Defence Force
BRTT	Blue Rhino Task Team	NGO	Non-government organisation
CCPCJ	Commission on Crime Prevention and Criminal Justice	NNF	Namibia Nature Foundation
CFT	combatting the financing of terrorism	N–PaEC	Namibian Partnerships against Environmental Crime
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora	OPG	Office of the Prosecutor General
CR	Crime Register	OOJ	Office of the Judiciary
ECU	Environmental Crimes Unit (Office of the PG)	PCRf	Pangolin Conservation and Research Foundation
ESAAMLG	Eastern and Southern Africa Anti-Money Laundering Group	PG	Prosecutor General
FIC	Financial Intelligence Centre	PG–ECU	Prosecutor General's Environmental Crimes Unit
FT	financing of terrorism	PRD	Protected Resources Division, NAMPOL
GEF	Global Environment Facility	PRSD	Protected Resources Sub-Division, NAMPOL (regional)
GPTF	Game Products Trust Fund, MEFT	SADC	Southern African Development Community
ICCWC	International Consortium on Combating Wildlife Crime	SRT	Save the Rhino Trust
ID–WCN	Integrated Database of Wildlife Crime in Namibia	UNODC	United Nations Office on Drugs and Crime
IG	Inspector General (Namibian Police Force)	USAID	United States Agency for International Development
IIU	Intelligence and Investigation Unit, MEFT	WCO	World Customs Organisation
INL	Bureau of International Narcotics and Law Enforcement Affairs, USA	WPSD	Wildlife Protection Services Division, MEFT
INTERPOL	International Criminal Police Organization		
IRDNC	Integrated Rural Development and Nature Conservation		
ISAP	Intelligence Support Against Poaching		
IWT	illegal wildlife trade		
JAPU	Joint Anti-Poaching Unit		
KAZA	Kavango–Zambezi Transfrontier Conservation Area		
KfW	Kreditanstalt für Wiederaufbau		
LAC	Legal Assistance Centre		
LEA	law-enforcement agency		
MAWLR	Ministry of Agriculture, Water and Land Reform		
MEFT	Ministry of Environment, Forestry and Tourism		
MEFT–IIU	MEFT Intelligence and Investigation Unit		
MHAISS	Ministry of Home Affairs, Immigration, Safety and Security		
ML	money laundering		
MoD	Ministry of Defence		
MoF	Ministry of Finance		
MoHSS	Ministry of Health and Social Services		
MoJ	Ministry of Justice		
NAC	Namibia Airports Company		
NACSO	Namibian Association of CBNRM Support Organisations		
NAMPOL	Namibian Police Force		
Namport	Namibian Ports Authority		
NamRA	Namibia Revenue Agency		



A7. NOTES AND REFERENCES

The information in this report is based on data compiled via the Integrated Database of Wildlife Crime in Namibia, as well as related first-hand information and observations by personnel from the BRTT, MEFT, NAMPOL and OPG. Additional sources of information as indicated by the references throughout the report are listed below.

3.3 Status of key species

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2. **Convention on International Trade in Endangered Species of Wild Fauna and Flora.** 2022. *Nineteenth meeting of the Conference of the Parties; Panama City (Panama), 14 – 25 November 2022; Species specific matters, Rhinoceroses (Rhinocerotidae Spp.)*, p. 3. CITES Secretariat, Geneva.

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