Cross-border cooperation and coordination to combat wildlife crime: Lessons learned, challenges and experiences- a case study of the SADC Region
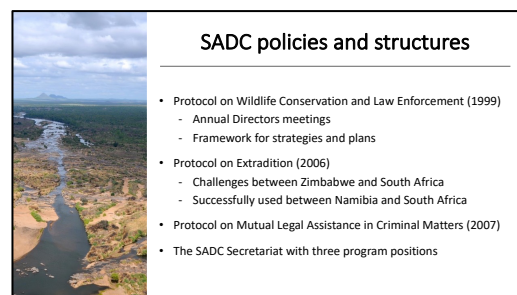
Presentation Paper by Alastair Nelson of Conservation Synergies – Africa Regional Forum on Combatting Wildlife Crime, 8-9 February 2022, Kampala, Uganda.

Overview of the presentation: Cross border cooperation and coordination in the SADC region to combat wildlife crime

This presentation paper provides an overview of lessons learned from cross-border cooperation and coordination to tackle wildlife crime in the Southern African Development Community (SADC) from 2015 to 2021. It does this by reviewing the SADC policy framework and implementation of SADC's counter wildlife crime strategy (2016-2021), reviewing case studies, then laying out how lessons learned were incorporated into the revised SADC counter wildlife crime strategy (2022-2032). Key lessons learned and two priority recommendations from the SADC experience are given.
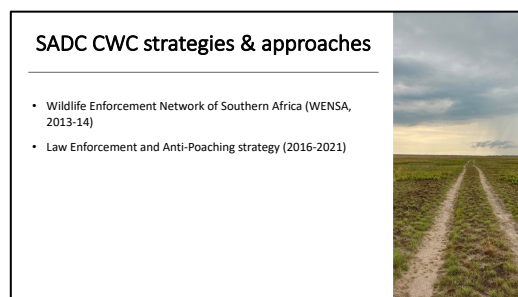
1.1   SADC policies, structures, and strategies

The SADC Protocol on Wildlife Conservation and Law Enforcement was developed in 1999 and ratified in 2003. This Protocol provides a framework for strategies and plans related to wildlife conservation in the SADC region. The SADC Law Enforcement and Anti-Poaching strategy (which is SADC's counter wildlife crime strategy) derives from this Protocol.

SADC policies and structures

• Protocol on Wildlife Conservation and Law Enforcement (1999)
    - Annual Directors meetings
    - Framework for strategies and plans
• Protocol on Extradition (2006)
    - Challenges between Zimbabwe and South Africa
    - Successfully used between Namibia and South Africa
• Protocol on Mutual Legal Assistance in Criminal Matters (2007)
• The SADC Secretariat with three program positions

SADC also has other Protocols which are particularly useful for combating wildlife crime, these include:

a)   The SADC Protocol on Extradition (ratified in 2006) – this provides a general mechanism whereby the Ministry or Authority mandated to work on justice issues in each Member State can engage with its counterpart in another Member State to request the extradition of a suspect.
This protocol has been used successfully to support extradition of suspects in wildlife crime cases from South Africa to Namibia. However, there are other instances where the extradition of a suspect in a wildlife crime case has proven challenging and has not been successful (e.g., from South Africa to Zimbabwe for a Zimbabwean citizen). The key difference between these cases was that the Namibian authorities had an existing relationship with the South African authorities and were able to make direct contact to support the process.

b)   The SADC Protocol on Mutual Legal Assistance in Criminal Matters (ratified in 2007) – this provides for information and evidence to be shared between countries to help further investigations or prosecutions. It also allows for notices and other legal documents to be delivered. Whilst not particularly detailed, this Protocol provides an umbrella framework for the sharing of key materials between government officials (e.g., investigators and prosecutors) who already have trusted relationships.

There have been two key approaches to combating wildlife crime in the SADC region, first the Wildlife Enforcement Network of Southern Africa (WENSA) was developed in 2013 to 2014 and attempted to establish a network of government officials who work on wildlife crime in the SADC region. This approach failed to gain support from the SADC Technical Committee on wildlife and was abandoned. Interviews conducted with SADC and Member State government officials

SADC CWC strategies & approaches

- Wildlife Enforcement Network of Southern Africa (WENSA, 2013-14)
- Law Enforcement and Anti-Poaching strategy (2016-2021)

suggest that this lack of support was because this process was not owned or led by any of the Member States but was being driven by one key donor with NGO partners.

The second approach was led by the SADC Secretariat and saw the development in 2014-15 of a regional counter wildlife crime strategy, known as the SADC Law Enforcement and Anti-Poaching (LEAP) Strategy. This strategy incorporated inputs from many of the Member States and the SADC Secretariat and gained more buy-in across the region. An overview and short critical review of the implementation of the first iteration of the SADC-LEAP follows.
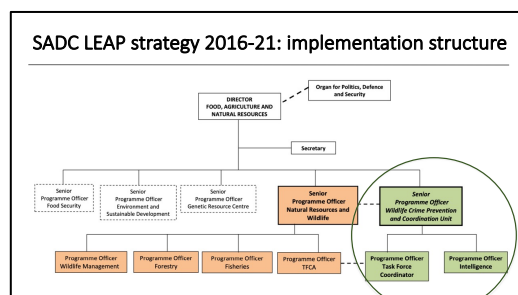
The SADC Secretariat supports the implementation of all its wildlife and natural resources work (including forestry and fisheries) through three centralised program positions based within the Secretariat in Gaborone, Botswana. The positions are responsible for coordinating the implementation of regional strategies and plans with the Member States.

1.2 Overview of the first SADC-LEAP strategy, 2016-2021

The first SADC LEAP strategy[1], which covered the period 2016 to 2021, took a thematic approach to the Objectives which it looked to achieve in order to reduce poaching and the illegal trade in wildlife. Given the diversity of wildlife conservation and Illegal wildlife trade (IWT) challenges and general approaches found across the 16 Member States (four of which are Island States), this thematic approach was unable to meet the needs of all Member States. It largely focused on the IWT

SADC LEAP strategy 2016-21

Overall objective: *significantly reduce poaching and illegal trade and enhance law enforcement capacity*

Specific objectives:
1. To enhance *legislation and judicial processes*
2. To *minimize wildlife crime and illegal trade*
3. To *integrate people and nature into conservation and development* processes
4. To *ensure sustained trade in, and use* of natural resources
5. To improve and strengthen *field level protection* of wildlife resources

challenges impacting large mammals with high value wildlife products, and also recommended strategies that were not necessarily applicable to all Member State contexts or political realities.

The first SADC LEAP also asked for the establishment of a new program unit within the SADC secretariat that would focus on wildlife crime prevention and coordination. A key role of this unit was to facilitate the sharing of information and intelligence between Member States. In reality the funds to establish this unit were never forthcoming, and the

SADC LEAP strategy 2016-21: implementation structure

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[1] https://www.sadc.int/index.php/download_file/view/7642/345/

expectation that SADC would take on the coordination and information and intelligence sharing role between Member States was never met.

1.3 Situational analysis of LEAP implementation

The SADC LEAP was revised during 2021 and special attention was paid to the overarching issues mentioned above. A 2-step process was taken to revise this LEAP, first a Situational Analysis[2] was undertaken, this i) reviewed implementation of the previous LEAP, looking for what had worked and lessons learned, ii) current wildlife crime trends in the region and more broadly that may affect the region were analysed, and iii) emerging wildlife crime issues and trends were sought and analysed.

Key successes and lessons learned during implementation of the previous LEAP were:
- All countries reported success in strengthening legislation to increase wildlife crime related sanctions, and in many instances to recognise the organised crime nature of wildlife trafficking,
- Engaging with the Prosecutors and Judiciary through workshops, specialised training or other mechanisms was successful,
- The Intelligence and Investigations Unit (IIU) model (Wildlife Crime Unit [WCU]) at a national level was successful in a number of Member States – this worked best when it was a small, trusted unit that had the mandate to engage with other national authorities and sometimes transnationally as well,
- Poaching related challenges were overcome (and declines stopped, or key populations protected) in some important Protected Areas under quite specific circumstances – almost always there were trusted support or management partnerships, there was a focus on leadership, staff motivation, coordination, managing the whole law enforcement chain, and working closely with local communities on issues important to them (e.g. human-wildlife conflict, etc.),
- Six of the 16 Member States had established National LEAP task forces, almost all of which focused on providing political support and coordination to combating wildlife crime related activities. Typically, these Task Forces were decoupled from the WCUs and provided them with support but did not get involved in investigations and case management,
- One sub-regional counter wildlife crime platform between four Member States was established and this met regularly (seven times over 3.5yrs) to share information on wildlife crime challenges, approaches and sometimes specific cases.

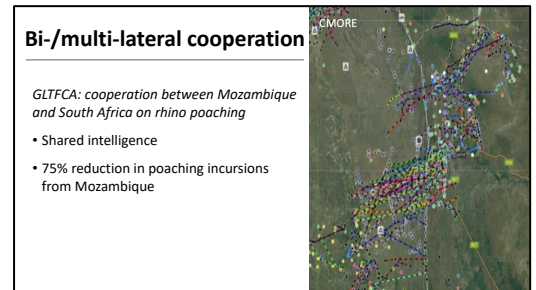Other important feedback gained during this process included:
- The role corruption plays in most levels of wildlife crime and a need to make this a priority of the revised strategy and to come up with new mechanisms to help build resilience to corruption,
- New and emerging wildlife crime threats were being increasingly recognised by Member States – whether this was a result of improved law enforcement efforts and these crimes has been happening for a while but were now being found for the first time, or because they were new and emerging was not clear, but the need to tackle them was recognised, and
- Member States were discovering that wildlife crime within their borders was often more complex than initially thought, and included products being trafficked from neighbouring states, end-user markets, and sometimes overlaps and convergences with other crime types.

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[2] https://drive.google.com/file/d/1dhoY77O7tOaQsonAofpTKbTyNKQK_Uv7/view?usp=sharing
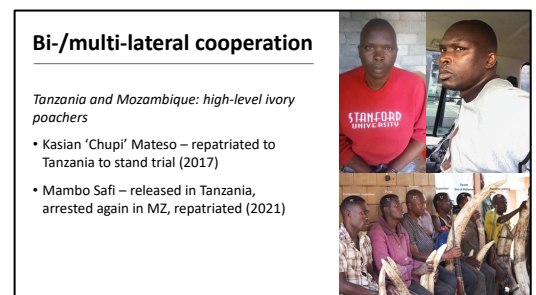
1.4 Case studies of bilateral and multilateral cooperation to tackle wildlife crime

Outwith the SADC LEAP strategy and its implementation process there were several examples of bilateral and multilateral cooperation between SADC Member States which resulted in combating wildlife crime successes. Some of these had important lessons to le arn for the revised SADC LEAP strategy. A short overview of these cases follows:

1. South Africa and Mozambique significantly improved anti-poaching cooperation along their shared border within the Greater Limpopo Transfrontier Conservation Area (GLTFCA), which includes the eastern boundary of the Kruger National Park – where the most significant rhino poaching losses on the continent have occurred over the last 10-12years. This cooperation includes, in some instances, real time sharing of intelligence and operations,

Bi-/multi-lateral cooperation

GLTFCA: cooperation between Mozambique and South Africa on rhino poaching

• Shared intelligence

• 75% reduction in poaching incursions from Mozambique

including cross-border sharing of a real time law enforcement monitoring system which allows suspected poacher and law enforcement unit locations and known capacities to be shared. This coordination has resulted in a 75% decline in poaching incursions into the southern Kruger National Park from Mozambique. This improved relationship was based on a change in personnel in Mozambique which led to improved trust and relationship-building between key people on the ground, and a higher-level agreement between the Member States which proved the umbrella for the sharing of this information.

2. Mozambique and Tanzania shared intelligence on a high-level ivory trafficker (Chupi Mateso) who is a Tanzanian citizen, and was sought for ivory trafficking crimes in Tanzania, but had been residing in Mozambique using a false Mozambican identity card for nearly five years from 2014-18. He was responsible for coordinating the poaching of hundreds of elephants and the trafficking of their ivory to local ports. This coordination between the countries led

Bi-/multi-lateral cooperation

Tanzania and Mozambique: high-level ivory poachers

• Kasian 'Chupi' Mateso – repatriated to Tanzania to stand trial (2017)

• Mambo Safi – released in Tanzania, arrested again in MZ, repatriated (2021)

to his arrest in Mozambique and his expulsion for his immigration offence back to Tanzania where he has been convicted for ivory trafficking crimes. The direct inter-governmental coordination on this case led from meetings held between key government officials in Tanzania and Mozambique, which were facilitated by NGOs, and resulted in these key officials building trust and being able to coordinate directly and remotely on cases like this thereafter.

3. The sub-regional counter wildlife crime platform between four Member States (mentioned in the section above) resulted in direct bilateral sharing of information and coordination on a number of wildlife crime cases, including: a) Pancake tortoise trafficking from Tanzania to Zambia, b) live pangolin trafficking from Mozambique to Malawi and Zambia to Malawi, and c) the arrest and repatriation from Mozambique to Tanzania of a known Tanzanian ivory

Bi-/multi-lateral cooperation

Sub-regional CWC platform (4-countries)

• Malawi, Mozambique, Tanzania, Zambia (LATF)

• SOPs signed at Wildlife Director level

• Technical CWC officers meet biannually

• Share information on specific cases:
  - Pancake tortoises (TZ-ZM)
  - Live pangolin (MW-MZ)
  - Mambo Safi (MZ-TZ)

poacher who was operating in northern Mozambique (a separate and later case to the case mentioned directly above).

4. Malawi has recently had a major counter wildlife crime success, which the successful conviction of the head of a Chinese wildlife trafficking syndicate and multiple members of his network – including both Chinese and Malawian nationals. This successful prosecution was based on a long-term investigation into this network which was managed by a small and trusted IIU within the Malawian police and counter wildlife crime agencies. Political support (without

Bi-/multi-lateral cooperation

Malawi: Lin case
- Major regional supply network
- Case managed and run by a small trusted IIU
- Support provided by National LEAP Task Force
- Intelligence collected from neighbouring countries in very targeted manner – based on relationships

knowing any details of the case) was provided by the national LEAP task force. This network operated transnationally and the Malawi IIU collected information and intelligence on their activities from neighbouring countries using direct and trusted contacts with government officials in those countries. Information on the larger case was not shared. They were able to leverage good relationships and trust that had been built over with these officials from other countries.

5. Some SADC Member States have also tried to engage bilaterally with Asian countries which are known consumer markets for wildlife products from these Member States. For example, Mozambique has signed multiple MoUs and even a Mutual Legal Assistance Treaty (MLAT) with Vietnam. South Africa had started developing a MLAT with Vietnam, but that process had become stalled. An analysis of these engagements with Vietnam showed that beyond

Engaging with Asian countries

- Vietnam & Mozambique signed an MLAT (2018)
  - Very little case development support from VN
- South Africa – Vietnam MLAT process stalled
- Numerous examples of bilateral engagement with China on specific cases of interest to China
- Multilateral facilitated operations (e.g., Cobra operations) proven most effective way of engaging with Asian countries

the negotiations and signing of agreements, no case information was ever shared back to the SADC Member States even after specific requests, and where the SADC Member States shared information with Vietnam there was never any feedback or discernible case development.

There were some bilateral direct engagements with SADC Member State wildlife crime agencies and China Customs' Anti-Smuggling Unit, and in these instances there was direct follow up and the Chinese nationals involved in these cases were arrested and convicted in China.

There were also examples of multilateral operations involved Asian and African countries, typically facilitated by Interpol, and in these instances the outcomes with Vietnam at least were better.

1.5   The revised SADC LEAP 2022-2032

The revised SADC LEAP strategy for the period 2022-2032[3] has taken a different approach to the first LEAP strategy. Firstly, it aims to provide a framework for counter wildlife crime work so that Member States can develop their own national strategies appropriate to their varied contexts and capacities. It also aims to facilitate regional cooperation by tasking SADC with the specific role of facilitating communication, cooperation and shared learning between Member States (not a role

Revised LEAP strategy: Purpose

Purpose:
To provide a *framework for national and regional cooperation*, so that:
1. MS can develop *national CWC strategies appropriate to varied contexts* and capacities, but easily comprehended nationally and regionally,
2. *SADC secretariat can facilitate communication, collaboration, and shared learning* between MS,
3. *Partners can align and support* regional and national CWC objectives, and
4. CWC actions *focus on different parts of the value chain*, whilst *recognising mandates and capabilities* of different *national agencies*

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[3] https://drive.google.com/file/d/1oVP0GNy_oeu3PTZDCyp07MLe3Fp3bDO0/view?usp=sharing

coordinating information and intelligence-sharing as in the previous LEAP strategy). The rationale, as learnt from the case examples given directly above, is that communication and coordination helps develop relationships that build trust and result in organic information and intelligence sharing on specific cases as needed.

Goal: to significantly reduce wildlife crime in the SADC region by 2032, whilst simultaneously strengthening law enforcement, management, and governance systems

Objective 1: Reinforce and professionalise PA and TFCA management

Objective 2: Promote sustainable use of natural resources and community-based approaches

Objective 3: Strengthen national counter wildlife trafficking operations, judicial processes and legislation

Objective 4: Improve transnational and regional collaboration

Supporting Actions:
1. Cross-cutting issues that inform and guide implementation of the LEAP strategy
2. Implementation plan
3. Develop sustainable financing for conservation law enforcement and anti-poaching approaches
4. Monitoring and reporting tool

The revised SADC LEAP does not take a thematic approach, but rather focuses on the wildlife crime value chain – recognising the mandates and capabilities of different national agencies to tackle crime in each Member State. This also allows partners to align their support with a specific objective that fits their interests (e.g., at a Protected Area level, or counter-wildlife trafficking at a national or transnational level, etc.).

The wildlife crime value chain and how it relates to the revised SADC LEAP strategy, the relevant agencies, criminal types, and corruption

Poaching / Illegal extraction of wildlife product → Transport from extraction site transfer / storage / sale → Transfer / movement / smuggling / sale → Final market sale and use

Objective 1: PA's & TFCA's		Objective 3: National CWT, judicial & legal	
Objective 2: NRM & community-based			Objective 4: Transnational & regional
Conservation / Wildlife Authorities		Police / other criminal investigation agencies	
Local communities / Private sector			Border control / Multilateral agencies
Typically local criminals selling to traffickers	Typically national organised crime networks	Typically transnational networks, or connected networks	Demand site networks
Corruption in PA / TFCA or at control sites in proximity to PA / TFCA (not essential, but definitely happens)	Corruption at control sites and / or to facilitate movement of illicit goods to market, especially prevalent if goods moved transnationally (almost always to transnational trafficking)		Corruption in policing at demand sites

Focusing on the topic of this presentation, transnational cooperation and coordination, here are some of the key strategies and actions that the Member States developed to address this in the revised LEAP strategy (learning from the analyses covered above from work over the previous six years):

- All Member States are required to establish (or strengthen where they already exist) national Wildlife Crime Units that have a mandate to tackle national level wildlife trafficking, with enhanced intelligence analysis capacity that allows them to prioritise and target key networks and facilitators, and that ideally have the mandate to cooperate with national WCUs from other Member States,

Objective 3: Strengthen national counter wildlife trafficking operations, judicial processes and legislation
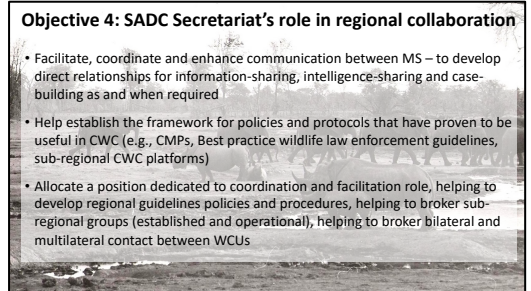
- National coordination, strategic direction and support for PA law enforcement
- National Counter Wildlife Trafficking
  - Establish, or strengthen existing Wildlife Crime Units in all Member States
  - Develop intelligence analytical capacity to identify and target priority networks, corrupt enablers, or facilitators
  - Maintain National Task Forces as coordination bodies between all entities with a role in CWC
- Maintain support for strengthening the judicial process and legislation

- Member States are required to establish National wildlife crime task forces as coordination bodies between all entities with a role in combating wildlife crime,

- Member States are requested to improve transnational and regional collaboration by: i) supporting direct transnational engagement between WCUs, ii) developing other sub-regional counter wildlife crime platforms between Member States based on specific wildlife crime challenges or approaches or other shared issues and concerns that those Member States share in addressing wildlife crime, iii) strengthening their support for and engagement with SADC-TWIX[4], and iv) coordinating work on clarifying how they operationalise the SADC extradition and mutual legal assistance processes, and

Objective 4: Improve transnational and regional collaboration

- Improve transnational and regional collaboration
  - Support direct transnational engagement between WCUs
  - Develop other sub-regional CWC platforms (based on the existing 4-country example)
  - Strengthen support for and engagement with SADC-TWIX
  - Coordinate work on clarifying and simplifying the SADC MLA and extradition processes

- The SADC Secretariat is tasked with facilitating, coordinating and enhancing communication between Member States on the implementation of this strategy. The Secretariats role is to help Member States build direct trusted relationships which evidence shows is what works best for information and intelligence sharing. The Secretariat is also tasked with helping to establish

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[4] https://www.sadc-twix.org

framework policies, protocols and procedures that have proven to be useful in combating wildlife crime, and which Member States can then shape to their national context – many of which are required under this revised LEAP strategy (e.g., a framework for Collaborative Management Partnerships, an update of the[5] Best Practise Guidelines for Wildlife Law Enforcement in Sub-Saharan Africa, etc.).

Objective 4: SADC Secretariat's role in regional collaboration
- Facilitate, coordinate and enhance communication between MS – to develop direct relationships for information-sharing, intelligence-sharing and case-building as and when required
- Help establish the framework for policies and protocols that have proven to be useful in CWC (e.g., CMPs, Best practice wildlife law enforcement guidelines, sub-regional CWC platforms)
- Allocate a position dedicated to coordination and facilitation role, helping to develop regional guidelines policies and procedures, helping to broker sub-regional groups (established and operational), helping to broker bilateral and multilateral contact between WCUs

1.6   Lessons learned

The key lessons learned in the SADC region from implementing the previous LEAP strategy (2016-2021), and from the analyses and discussion between Member States in developing the revised LEAP strategy (2022-2032) can be summarised as follows:

- Informal relationships based on individual trust are vital to transnational information and intelligence sharing as well as transnational cooperation on investigations and case building,
- Formal structures and agreements between countries provide a useful supportive framework for the direct trusted relationships described above,
- Collaboration is costly, especially in staff-time, but also holding regular international meetings, so it is best to focus on what is working, and what works elsewhere, and to let the work and the needs lead the collaboration,
- Corruption is ubiquitous and it needs to be planned for – this includes things like making sure units are small and trusted, putting in place adequate control systems (but not too many to stifle real work that needs to be done), strengthening leadership and organisational culture so that individuals feel valued, trusted, motivated and a sense of purpose and camaraderie – all of which builds resilience to corruption,
- Partnerships based on mutual respect, with well-structured agreements, underpin most successes (this includes partnerships that are inter-agency, or with civil society and/or donors),
- Good intelligence collection and analysis improves targeting and prioritisation which allows the most important networks causing the most damage to be disrupted and dismantled, and
- Keep WCUs small and focused to build priority cases with the relevant mandated authorities (both national and transnational, Task Forces are very useful for providing the supportive framework to these small units

1.7   Priority recommendations

1. Work towards regional cooperation and collaboration to tackle wildlife crime by building trusted relationships, focusing on priority sites and routes, and making it about building cases that dismantle transnational networks.
2. Build resilience to corruption in vital law enforcement units by instilling values-based leadership, building cohesion, creating organisational cultures of transparency and integrity, and prosecuting all corruption cases quickly and effectively.

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[5] https://portals.iucn.org/library/node/46088