

ENFORCEMENT OF CITES AT O.R. TAMBO INTERNATIONAL AIRPORT, SOUTH AFRICA

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SUMMARY

This paper presents a snapshot of the work being undertaken by a dedicated group of officials, who have assumed responsibility for enforcing the Convention on International Trade in Endangered Species of Wild Fauna and Flora at the busiest airport in Southern Africa. Although an enormous number of challenges face these officials in their daily work, an initiative focussing on compliance and enforcement awareness and training has recently yielded significant results, examples of which are illustrated through case studies. The paper also shares some insight into the modus operandi of these smugglers.

1 INTRODUCTION

As a signatory to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, South Africa co-operates with other signatory countries in the fight against unsustainable international wildlife trade and the protection of biodiversity. The convention prohibits international trade in endangered species and regulates international trade in species vulnerable to over-exploitation.

However, the question must be asked: Is South Africa winning this battle, or are the criminals, with so many opportunities for smuggling, able to remain one step ahead of the authorities tasked with enforcing the law? A small unit of environmental enforcement officials stationed at the international airport located in Johannesburg, South Africa have recently achieved a number of successes through increased detection of criminal activities.

2 THE AIRPORT

The OR Tambo International Airport in Johannesburg, South Africa is recognised as the gateway into and out of South Africa. As the largest airport in the region, the OR Tambo International Airport is able to handle significant daily volumes of passengers, luggage, cargo and mail (traffic) with approximately seven million

(7 779 000) passengers¹ passing through the airport annually. The total volume of passenger luggage, cargo and mail entering and leaving the country through the airport is overwhelming with, for example, in the region of one hundred and fifty million (150 151 690) items entering through the cargo section alone on an annual basis. OR Tambo International Airport, as is the case with most international airports, encompasses a large ground surface area, covering an estimated 8km², with the various activities scattered across this area.

Imagine for a moment the opportunities that exist should a criminal wish to make use of the parcels, crates or suitcases to convey environmental contraband. The sheer volume of traffic at the airport makes detection of such contraband virtually impossible, particularly if one considers that only six officials comprise the airport's compliance and enforcement unit.

3 ENFORCEMENT UNITS AT OR TAMBO INTERNATIONAL AIRPORT

3.1 Environmental Enforcement Unit

Although the Gauteng Department of Agriculture, Conservation and Environment regulates a number of different environmental laws, the OR Tambo International Airport was identified as a key point area that requires specific attention from the Department. A permanent enforcement unit (Special Investigations) within the Compliance and Enforcement Branch of Gauteng Department of Agriculture, Conservation and Environment has therefore been stationed at this airport. The unit fulfils both a compliance monitoring and an enforcement function in relation to legislation pertaining to illegal trade in endangered species.

The officials in the unit, who are also designated as Environmental Management Inspectors in terms of South Africa's National Environmental Management Act², are responsible for conducting inspections to ensure compliance with the obligations of Convention on International Trade in Endangered Species of Wild Fauna and Flora and the associated Gauteng Nature Conservation Ordinance (domestic enabling legislation), and to detect and investigate illegal international trade in environmental contraband. The inspections are primarily conducted in the cargo area and international mailing section at the airport, although passengers and passenger luggage are also inspected on a regular basis.

As the international movement of endangered species is a highly specialised field requiring consistent monitoring in order to effectively control the illegal trade and exploitation of natural resources, the permanent placement of an environmental investigative unit at the airport is important to maintain awareness amongst other enforcement role players and provide support, where necessary. Due to the technical nature of Convention on International Trade in Endangered Species of Wild Fauna and Flora (such as permit types, identification numbers, micro chips, ring numbers and punch numbers as well as the array of possible species involved) typical law enforcement officials do not have the knowledge and expertise to investigate these matters.

3.2 Other Law Enforcement Role Players

As with most international airports, a variety of law enforcement agencies are present to fulfil their respective mandates, as is the case at OR Tambo International Airport. Agencies such as Customs, Police Services, National Intelligence, Immigration, Port Health, Agriculture, Veterinary services, Crime Intelligence and airport security, to name but a few, operate on a daily basis at the airport.

4 STRATEGIC APPROACH: AWARENESS RAISING

Acknowledging the overwhelming quantity of people and items moving internationally through the airport as well as the limited budget and therefore number of environmental enforcement officials stationed at the airport, it was essential for Gauteng Department of Agriculture, Conservation and Environment to adopt a more strategic approach focussing on awareness raising in order to:

- increase detection rates;
- create a sound understanding of the international smuggling of Convention on International Trade in Endangered Species of Wild Fauna and Flora -listed species and the close relationship between these illegal activities and other types of organised crime;
- provide EMI investigative support to other enforcement units at the airport after detection of the environmental contraband; and
- create a foundation for sound co-operative governance which ensures the understanding that further investigation and handling of cases after detection of the contraband is the responsibility of the Environmental Management Inspectors stationed at the airport.

The initial focus for this awareness programme was on the enforcement agencies working within the OR Tambo International Airport. It was necessary to identify the various role players, to summarise their respective mandates and key point focus areas, in order to ultimately identify common ground from which to approach these agencies for assistance in the battle against the international smuggling of endangered commodities. The importance of this step cannot be overemphasised as these agencies comprise individuals who often do not share the same vision and ethical approach towards the conservation of endangered species. Identified individuals within these agencies were therefore only approached after careful consideration of all relevant issues and with an aim to ensuring the support and understanding of the subject matter.

The second focus area for the awareness programme looked at those enforcement agencies operating outside the boundaries of the airport in order to ensure early detection and protection of live specimens rather than later detection (at the

airport) when, in many cases, the specie has already been destroyed. Detection of these crimes within the country is therefore vital for the survival of endangered species. In many instances, it is also more likely that illegal activities will be detected outside the chaotic environment of an international airport.

The third crucial leg to the strategic awareness programme aimed at creating a deeper understanding within the justice system of crimes involving endangered species, is considering the impact these crimes have globally. Amidst a society driven by money, it is easy for an investigating officer (as well as a prosecutor) to place too much emphasis on the monetary value of the illegal items found and confiscated. This emphasis often conceals the underlying importance of conserving the species and does not provide an accurate indication of the seriousness of the crime. By focussing on financial value, a court may agree to a less significant sentence in cases where the quantity of items seized is less. Officials within the justice system are therefore made aware, for example, of the true conservation value of the last few species of an endangered species. The Department's approach is to create a scientific and ethical foundation from which to obtain a conviction which also serves as a deterrent for future transgressors.

While increasing the levels of awareness in relation to illegal activities involving endangered species, it is also necessary to educate the environmental enforcement officials on other criminal offences that may be detected during their compliance monitoring inspections. Examples of such offences include counterfeit goods, falsified passports, drugs, pornography and activities involving restricted medicines. This increases the detection rate in relation to these crimes and provides a platform for effective co-operative governance and builds professional working relationships between the law enforcement agencies.

5 CASE STUDIES ILLUSTRATING SUCCESS OF APPROACH

5.1 Rhino Horn Seizure

Approximately a week after presenting the first training and awareness course to Customs passenger administration officers at OR Tambo International Airport, four White Rhino Horns were found hidden inside a suitcase that was destined to be exported to China / Vietnam (see Figure 1 below). Upon detection of the horns, which were wrapped in newspaper and sealed with tape, Customs officials contacted the Environmental Management Inspectors stationed at the airport. An investigation by the Environmental Management Inspectors led to the apprehension of two Vietnamese citizens; one of whom was successfully prosecuted. Although the second suspect was released, subsequent investigations have linked him to a syndicate operating in South Africa.

Figure 1: White Rhino Horn Seized at OR Tambo International Airport



5.2 Snakes

After the initial awareness training sessions, which focussed on security and Customs personnel responsible for the parcel screening points at the international mail centre, six separate parcels over a period of five (5) months were identified both entering and leaving the country containing live venomous and non-venomous snakes (see example in Figure 2 below). Investigation by Environmental Management Inspectors led to the location and prosecution of all the suspects involved. Enforcement agencies in the countries of origin for a number of these snakes have also been notified and Environmental Management Inspectors in South Africa are co-operating with these agencies in ongoing investigations into these matters.

Figure 2: Saw-Scale Viper Smuggled through Mail Centre



6 COMMON MODUS OPERANDI FOR SMUGGLING ENDANGERED SPECIES

Although many species are smuggled in the absence of a Convention on International Trade in Endangered Species of Wild Fauna and Flora permit, many organised syndicates utilize the permit system associated with Convention on International Trade in Endangered Species of Wild Fauna and Flora and other conservation legislation to increase their efficiency when performing illegal activities.

The examples set out below clearly illustrate how the Convention on International Trade in Endangered Species of Wild Fauna and Flora permit system is utilized to commit crimes.

Syndicates create fraudulent Convention on International Trade in Endangered Species of Wild Fauna and Flora permits. For this reason, Convention on International Trade in Endangered Species of Wild Fauna and Flora permits have various security measures in place to detect fraudulent permits, although these measures are worthless if relevant enforcement agencies outside conservation circles are not properly informed of them. For example, a consignment of 250 African Greys were imported on a fraudulent Convention on International Trade in Endangered Species of Wild Fauna and Flora permit from Congo to South Africa. The original permit only allowed for 50 parrots; however, the airline, freight handler and initial inspection did not notice that the permit was fraudulent and the number had been increased by two hundred.

Syndicates apply for original Convention on International Trade in Endangered Species of Wild Fauna and Flora permits and then resort to utilising the permit more than once, thus increasing their profit margins and ultimately threatening various wild populations. A company in South Africa dealing with orchids, imported three separate consignments from Thailand on a single Convention on International Trade in Endangered Species of Wild Fauna and Flora permit. Although a Convention on International Trade in Endangered Species of Wild Fauna and Flora permit makes provision for the inspection and subsequent endorsement of the original permit, syndicates avoid inspections for as long as possible.

Original Convention on International Trade in Endangered Species of Wild Fauna and Flora permits allowing for the movement of certain species are also often utilized to move a different specie. A prime example of this exists with birds, such as parrots. In one case a permit was obtained to export Convention on International Trade in Endangered Species of Wild Fauna and Flora II listed parrots from South Africa to China. Upon exportation of the consignment, Convention on International Trade in Endangered Species of Wild Fauna and Flora I listed parrots (several times more valuable than ones indicated on the permit) were found amongst the Convention on International Trade in Endangered Species of Wild

Fauna and Flora II consignment. Upon searching the suspect's home an e-mail was found stipulating the location and amount of Convention on International Trade in Endangered Species of Wild Fauna and Flora I parrots that were to be smuggled in this manner, as well as a previous consignment that had been sent undetected. Certain parrot species look very similar, especially when young, making detection more difficult. The co-operative approach between Gauteng Department of Agriculture, Conservation and Environment and the local revenue service office in relation to this matter also resulted in the suspect being further assessed for six million Rand in undeclared income.

OR Tambo International Airport, due to its location at the southern tip of Africa, receives numerous in-transit shipments. Syndicates therefore obtain Convention on International Trade in Endangered Species of Wild Fauna and Flora permits to import items from one country to another, knowing these shipments will pass through OR Tambo International Airport en-route to the destination country. Many of these consignments are then intercepted at OR Tambo International Airport and the goods smuggled into South Africa. The Department is in the process of implementing a notification system between Customs and the environmental enforcement unit in relation to consignments containing endangered species that are being moved in-transit through the airport.

7 DETECTION OF ILLEGAL ACTIVITIES AND RESULT OF STRATEGIC AWARENESS PROGRAMME

The implementation of a set of additional permit conditions³ (attached to all Convention on International Trade in Endangered Species of Wild Fauna and Flora permits issued in South Africa) forces people to notify the Gauteng Department of Agriculture, Conservation and Environment office of any movement of Convention on International Trade in Endangered Species of Wild Fauna and Flora listed species, and to instruct them to submit all relevant documentation prior to such movement. The inspector can therefore effectively undertake an inspection that verifies the legitimacy of the consignment and detect any irregularities associated with such consignments. After this inspection and verification process the permits are endorsed, preventing an individual from utilising the permit again. It should also be noted that non-adherence to this condition constitutes an offence.

In order to increase efficiency and productivity the use of scanning or x-ray machines is crucial in the detection of possible endangered contraband amongst large numbers of parcels, luggage or cargo. The Department is currently in the process of purchasing two mobile machines that can be operated in any area of the airport. This will enable the unit to perform strategic scanning and plan specific operational work at different identified sections within the airport.

As machines are already used at various points within the airport by security personnel due to modern-day threats that are associated with any international airport, security personnel were included in the awareness programme which

included demonstrations of what various endangered species as well as derivatives thereof looked like when passing through the x-ray machines. Use of these personnel ensures that efforts are not duplicated and that the Department taps into existing detection opportunities, detection of endangered species by existing airport security and Customs in the past happened on average around three to four times a year. After the initiation of the awareness programme, detection by these other role players has increased to approximately four to five times a month. Due to the high success rate following the initiation of the awareness programme, the Department is now in the process of creating colour posters illustrating what the illegal environmental contraband looks like when moving through scanning machines. These will be distributed to all scanning ports and will no doubt further increase awareness at the security points.

The awareness programme and training provided to other law enforcement officials at the airport was initiated in mid-2007 and has resulted in an almost 200% increase in the number of Convention on International Trade in Endangered Species of Wild Fauna and Flora cases originating at OR Tambo International Airport between the first and second quarters of the 2007/2008 financial year. This was a direct result of the increase in the detection rate following the roll out of the awareness programme. In order to recognise this significant contribution and to show appreciation and professionalism, the Department has now instituted a report and recognition system that singles out individuals within these other enforcement agencies.

8 CONCLUSION

Despite the recent successes discussed in this paper at OR Tambo International Airport, the question still remains: Is South Africa winning the battle, or are criminals and syndicates, with so many opportunities for smuggling, able to remain one step ahead of the authorities tasked with enforcing the law? It is unlikely that we will see a decrease in these illegal activities due to the high demand for endangered species and profit margins that are associated with international smuggling of these species. Consistent and ongoing evaluation and upgrading of detection procedures will need to take place in addition to elevating this problem at a national level to ensure political support and additional resources, particularly ahead of the 2010 Soccer World Cup in South Africa which will increase traffic in and out of the country.

Due to the serious global environmental threats posed by illegal trade of endangered species, international co-operation is also essential and the establishment of a Convention on International Trade in Endangered Species of Wild Fauna and Flora enforcement forum should be seriously considered in order to more effectively control and share information regarding the international smuggling of endangered species.

9 REFERENCES

¹ The number of pieces of passenger luggage moving through the airport is approximately 21 176 000 per annum.

² No. 107 of 1998.

³ Explaining to importers and exporters of Convention on International Trade in Endangered Species of Wild Fauna and Flora products the procedure to be followed when utilizing OR Tambo International Airport.

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