

Defending the Defenceless

A study on the
regulation of anti-
poaching as a
security service
in South Africa

Compiled by the
Private Security Industry
Regulatory Authority (PSiRA)



PSiRA

Private Security Industry Regulatory Authority

CONTENTS

ACKNOWLEDGMENTS	3
ACRONYMS	5
EXECUTIVE SUMMARY	6
1. Introduction	7
2. Background of the research	7
3. Research aim and objectives	8
4. Research questions	8
5. Research design and research methodology	8
6. Sampling	9
7. Research limitations	9
8. Literature review	10
9. Findings of the study	16
10. Recommendations	24
11. Conclusion	28
12. Bibliography	30





ABOUT THE REPORT

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Manyoni Game Reserve





ACRONYMS

CATHSSETA	:	Culture, Arts, Tourism, Hospitality, and Sport Sector Education
CIT	:	Cash-in-transit
CITES	:	Convention of International Trade in Endangered Species
DEA	:	Department of Environmental Affairs
HR	:	Human Resource
ICASA	:	Independent Communications Authority of South Africa
KNP	:	Kruger National Park
PIT	:	Passive Integrated Transponder
PSIRA	:	Private Security Industry Regulatory Authority
RASCO	:	Remote Air Sampling for Canine Olfaction
SANParks	:	South African National Parks
SASSETA	:	Safety and Security Sector Education and Training Authority And Training Authority
SAWC	:	South African Wildlife College
SETA	:	Sector Education and Training Authority
SOB	:	Security Officers Board



A vertical photograph on the left side of the page shows a drone in flight against a cloudy sky. The drone is positioned in the upper left quadrant, with its four propellers and camera visible. Below the drone, a dense forest of green trees is visible, extending to the bottom of the page.

EXECUTIVE SUMMARY

In South Africa, the Private Security Industry consists of many sectors. Anti-poaching in one of these vastly growing sectors which extends beyond South Africa to the rest of the Continent.

To this end, the Private Security Regulatory Authority (PSiRA) conducted a study to examine the current regulations and their applicability in regulating the anti-poaching space and to explore the need for PSiRA to regulate game rangers as they are not exempted in terms of Section 199 of the Constitution of the Republic of South Africa, 1996.

The study used the qualitative research method with structured observations and interviews used to collect data. Through purposive sampling participants for the study were selected. The sample of the study consisted of PSiRA registered anti-poaching companies, in-house anti-poaching units, anti-poaching training centres, K9 security companies and the Department of Environmental Affairs (DEA).

The data collected established that anti-poaching is a highly dangerous and specialised security service which should be regulated in that manner. It was determined that the current PSiRA graded training is not sufficient and does not relate to the anti-poaching industry. It was further established that there is currently no standardised accredited anti-poaching training curriculum provided by PSiRA and SASSETA. The SASSETA accredited DH1 to DH5 training for K9's is not applicable in the training of dogs working in anti-poaching.

The equine industry is also growing in the anti-poaching industry due to the ability of horses to reach places that are hard to reach on foot. The study reported that many anti-poaching companies are operating illegally and did not provide training for their employees. Some NPO's and NGO's were also reported to have deployed unregistered and untrained security officers to offer anti-poaching services.

There are many legislations that impact on the anti-poaching space. The study found that there is a need to distinguish where the powers of the different custodians of the Acts end and recommends that this be achieved through engagements with PSiRA and the different custodians. Further, the study recommends that an anti-poaching curriculum be established for anti-poachers, K9's and horses.

A robust working relationship between SAPS and PSiRA is required to ensure that no tourists are rendering security services on holiday visas with their own firearms. It is critical for PSiRA to be more visible and to conduct inspections on anti-poaching companies.

1. INTRODUCTION

Poaching is one of the biggest challenges South Africa has been grappling with over the years which gained attention with the escalation of Rhino poaching in recent times. In addressing this issue, game parks and private game farm owners rely on anti-poaching services provided by game rangers and private anti-poaching companies to protect their wildlife. These brave individuals risk their lives to ensure the safety of these animals by using military tactics to counter attack poachers.

The National Environmental Act 107 of 1998 (NEMA Act, 1998) provides for the protection of endangered species of fauna and flora, however, the use of military and paramilitary tactics in conservation steps into security making it debatable whether or not the NEMA Act, 1998 is the only applicable legislation in the provision of anti-poaching services.

Section 199(1) of the Constitution of South Africa states that the Republic will have security services that consist of a single defence force, a single police service and any intelligence services established in terms of the Constitution.¹ The game rangers and private anti-poaching companies using military tactics are not included as part of national security, which implies that they are providing a private security service.

The Private Security Industry Regulation Act of 2001 (PSiR Act, 2001) defines a security service as the protection or safeguarding a person or property in any manner.² Moreover, the provision of security training or instruction to a security service provider or prospective security service provider³ is defined a security service. According to the PSiR Act, 2001 game rangers and private anti-poaching companies are providing a security service.

One of the mandates of the Private Security Industry Regulatory Authority (PSiRA) is to conduct studies investigating the rendering of security services and the practices of security service providers in order to identify shortcomings in the Act.⁴ This is done in an effort to meet the Authority's objective of regulating and exercising control over the industry in the public and national interest and in the interest of the private security industry.⁵ This research report explores the anti-poaching industry and the applicability of the current PSiRA regulations in the anti-poaching space.

2. BACKGROUND OF THE RESEARCH

South Africa has been grappling with the merciless slaughtering of wild animals by poachers for monetary reasons for a number of years. In particular, rhinos have been the most targeted, with statistics indicating that between the period 2007 and 2014 there has been a 9000% increase in poaching.⁶ In 2014 South Africa had the highest poaching statistics with one thousand, two hundred and fifteen (1215) rhinos being poached that year.⁷ It is understood that this senseless butchering of rhinos started in Zimbabwe and made its way into South Africa around 2009 when the country started having a large number of its rhinos being poached.⁸ As a result, poachers from Zimbabwe started making their way to South Africa to target rhinos in this country. It is important to note that poaching is not only subjected to rhinos but extends to other endangered animals including Pangolins, Lions and Elephants.

The poaching of elephants for their tusks has been an issue that Africa as a whole has been facing. It is estimated that since 1980, a hundred thousand (100 000) elephants were being poached annually with 80% of the herds being lost in some regions.⁹ In 1989, an international ban on the international trade of ivory was implemented however; elephants are still being poached to date. In South Africa, the poaching of elephants has increased due to the success of Kenya on reducing elephant poaching. Statistics show that Kenya's elephant poaching has decreased by 90% and a conviction rate of 95% of poachers and ivory traders.¹⁰ Thus, poachers have made their way into the country because of the strict laws in Kenya. In addition, due to the near extinction of elephants in some SADC countries, poachers and dealers are coming to South Africa.¹¹

Kenyan Conservationist Dr Paula Kahumba reports that ivory dealers target areas which are vulnerable, but where elephants are more in order to annihilate them.¹² Presently, a man who was found in possession of rhino horns on two occasions in the Ulundi and Vryheid area

Poaching is one of the biggest challenges South Africa has been grappling with over the years

1 Constitution of the Republic of South Africa, 1996.

2 PSiR Act, 2001.

3 *Ibid.*

4 *Ibid.*

5 *Ibid.*

6 SaveTheRhino (2018). Poaching statistics. Available at <https://www.savetherhino.org/rhino-info/poaching-stats/> accessed 4 February 2019.

7 *Ibid.*

8 Stones, L. (2018). Poachers will wipe out SA's elephants next. *Business Day*. Available at <https://www.businesslive.co.za/bd/life/2018-08-30-poachers-will-wipe-out-sas-elephants-next/> accessed 4 February 2019.

9 *Ibid.*

10 Stones, L. (2018). Poachers will wipe out SA's elephants next. *Business Day*. Available at <https://www.businesslive.co.za/bd/life/2018-08-30-poachers-will-wipe-out-sas-elephants-next/> accessed 4 February 2019.

11 *Ibid.*

12 *Ibid.*

has not been convicted 10 years later.¹³ The man was arrested after attempting to poach a rhino with four accomplices who have not been brought to book to date.¹⁴

The biggest challenge relating to poaching syndicates and organised criminals in South Africa is their sophistication and ability to switch attention to other species.¹⁵ These syndicates are well resourced in terms of funding and ammunition. A study conducted over a four-year period that focused on the provision of weaponry to poachers highlights how guns manufactured in the Czech Republic for military purposes make their way to South African shores.¹⁶ Findings of the study indicate how corruption and political influence in Mozambique and South Africa have enabled for the distribution of .375 and .458 CZ calibre guns into the countries.¹⁷ Some of these guns have the engravings of CZ-USA ostensibly made for the American market but made their way to Africa for poaching.¹⁸ This confirms the level of corruption and thievery for poaching operatives that exists in South Africa but which extends beyond the South African waters and include many actors.

The anti-poaching industry is growing in the country and is expected to continue its growth owing to the fact that other endangered animals are being targeted by poaching syndicates who make a fortune from selling them in the black market. Donations made towards the conservation of endangered species will result in more anti-poaching jobs being created in this regard.

3. RESEARCH AIM AND OBJECTIVES

The overall aim of the research study is to acquire new information on the phenomenon that is being studied. Information acquired through research adds to the body of knowledge enabling the reader to have a better understanding of the phenomenon that is being researched. The aim of this research therefore, is to analyse the effectiveness or lack thereof of PSiRA regulations and training standards towards anti-poaching service providers.

Research objectives are described as subsidiary to aims as they are steps taken to accomplish the goals of the project.¹⁹ The research objectives of the study is firstly to establish if there is accredited training for anti-poaching. Secondly, to establish if PSiRA inspections are conducted on anti-poachers and anti-poaching training centres. Lastly, to assess the mechanisms used to reduce poaching.

4. RESEARCH QUESTIONS

In order to answer the key question of the study, concepts or research questions in line with the aim of the study need to be formulated. Research questions are important in a study because they form the base of where the study is going.²⁰ Terre Blanche, Durkheim and Painter (2006) describe research questions as “the question that the study wants answered”.²¹

The research questions of this study are as follows:

- What are the accredited requirements/ qualifications for game rangers / anti-poaching officers?
- Do PSiRA inspectors inspect game rangers and anti-poaching training centres?
- What mechanisms are used to reduce poaching?

5. RESEARCH DESIGN AND RESEARCH METHODOLOGY

For this study, the explanatory research design was used as the research design. The explanatory research design does not provide final and conclusive answers allowing the researcher to explore with varying levels of depth.²² The use of the explanatory research design provided the researcher freedom to manoeuvre and probe any new information that may have surfaced during data collection. The research methodology used in the study aligns with the research design. Qualitative research method was used as a preferred method for the study as it unfolds in real-world situations without any manipulation and

13 Carnie, T., 2019. 3,443 days and counting... open-and-shut rhino poaching trial that never ends. *Daily Maverick*. Available at <https://www.dailymaverick.co.za/article/2019-02-04-3443-days-and-counting-open-and-shut-rhino-poaching-trial-that-never-ends/#.XFgG7j1aPyw>.email accessed 4 February 2019.

14 Ibid.

15 Stones, L., 2018. Poachers will wipe out SA's elephants next. *Business Day*. Available at <https://www.businesslive.co.za/bd/life/2018-08-30-poachers-will-wipe-out-sas-elephants-next/> accessed 4 February 2019.

16 Pinnock, D., 2019. Follow the guns. Available at <https://conservationaction.co.za/media-articles/kruger-poachers-get-power-rifles/> accessed 26 May 2019/.

17 Ibid.

18 Ibid.

19 Ibid.

20 Kowalczyk, D., 2019. Writing research questions: Purpose and examples. Available at <https://study.com/academy/lesson/writing-research-questions-purpose-examples.html> accessed 6 June 2019.

21 Terre Blanche, M., Durkheim, K. and Painter, D., 2006. *Research in Practice: Applied methods for the social sciences (2nd ed.)*. South Africa: University of Cape Town Press (Pty) Ltd.

22 Van Wyk, B., n.d. *Research design and methods*. Available at https://www.uwc.ac.za/Students/Postgraduate/Documents/Research_and_Design_1.pdf accessed 6 June 2019.

23 Terre Blanche, M., Durkheim, K. and Painter, D., 2006. *Research in Practice: Applied methods for the social sciences (2nd ed.)*. South Africa: University of Cape Town Press (Pty) Ltd.

allows the researcher to study issues in depth, openness and detail.²³ By sharing their lived experiences in the field, it will also assist the Authority in formulating regulations that will compliment other National Acts that inform the work done by anti-poachers and minimize over regulating anti-poaching. Moreover, it will also assist the Authority in identifying where there is a lack in regulation and compliance. For this study the researcher used two research tools, i.e.: structured observations and interviews. Due to the lack of knowledge on the anti-poaching industry, the researcher first had an observation period in order to gain a better understanding of anti-poaching. Structured observation is the collection of data through observations using specific variables.²⁴ For this research a questionnaire relating to the daily operations, understanding of training centres, legislation and affiliation to organisations was used in the observation period. The data collected from the observation period was used to inform the questionnaire used for the interviews with the research participants.

the Authority
needs to
understand
how the
industry
operates

The researcher implemented semi-structured interviews for data collection. Semi-structured interviews consist of several key questions which assist in defining the areas to be explored, and also allow the researcher and the participant to diverge in order to pursue an idea or response in more detail.²⁵ Not only are semi-structured interviews a compliment to the research design and methodology, they allow new information to emerge, which is pivotal in research.

In order to regulate the anti-poaching industry, the Authority needs to understand how the industry operates, particularly with regards to other National Acts that regulate it. The most effective way to achieve this is by engaging with the Department of Environment, Forestry and Fisheries as the custodian of the NEMA Act, 1998. Moreover, anti-poachers and anti-poaching trainers were also included in the study because they have first-hand knowledge and experience on anti-poaching.

6. SAMPLING

Sampling is defined as a process used in statistical analysis in which a predetermined number of explanations are taken from a larger population.²⁶ This implies that a sample is a representation of a bigger population as it would be hard to interview everyone in the anti-poaching industry. The study used purposive sampling for selecting its sample. Purposive sampling focuses on the characteristics of a population that is of interest to the researcher, which will best enable them to answer the research questions.²⁷ The characteristics of the sample in this regard were anti-poaching units working within national and private game parks. For the research observation period the researcher targeted an anti-poaching training centre that also provided anti-poaching services. This assisted the researcher in gathering data around operations and training of anti-poachers.

The data collected enabled the researcher to formulate relevant questions in order to conduct interviews with participants. The researcher was also referred to other participants by the interviewees as new information surfaced during the interviews. The snowballing sampling was in this effect also used in this research by default. Snowballing sampling works like chain referral whereby the researcher asks for assistance from the subject to help identify people with a similar trait of interest.²⁸ This sampling method was beneficial into the study as it was initially hard finding participants. Anti-poaching is a highly sensitive and high risk area of work with those working in the industry not wanting “outsiders” to infiltrate their space.

7. RESEARCH LIMITATIONS

In any research study, limitations to the research due to influences beyond the researcher’s control should be anticipated. Research limitations are the shortcomings, conditions or influences that cannot be controlled by the researcher that place restrictions on methodology and conclusions.²⁹ It is vital that these limitations be highlighted in research as they have an effect on the findings of the study to some degree. For this study, acquiring participants to take part in the study was a huge limitation with different contributing factors.

Firstly, on the PSiRA database there are only seven (7) anti-poaching security companies registered. Some of these companies do not offer any anti-poaching service which made the research participant pool even less. It was also identified that majority of the companies that

24 Dudovskiy, J., 2018. *Research Methodology*, Available at <https://research-methodology.net/> accessed 19 June 2019.

25 *Ibid.*

26 Kenton, W., 2018. *What is Sampling*, Available at <https://www.investopedia.com/terms/s/sampling.asp> accessed 19 June 2019.

27 Lund Research LTD., 2012. *Purposive Sampling*, Available at <http://dissertation.laerd.com/purposive-sampling.php> accessed 19 June 2019.

28 *Ibid.*

29 Terre Blanche, M., Durkheim, K. and Painter, D., 2006. *Research in Practice: Applied methods for the social sciences* (2nd ed.). South Africa: University of Cape Town Press (Pty) Ltd.

Poaching is an act that has been in existence since the times of antiquity.

offered anti-poaching services were registered as security companies or in-house security and not anti-poaching companies. The issue of disclosure to PSiRA about these companies has greatly compromised the accuracy of the Authority's database.

As highlighted in the above text, anti-poaching is a highly sensitive and high-risk area. Many people were willing to participate in the study although in some instances, participation was restricted due to protocol and leadership challenges where supervisors did not grant permission for subordinates to participate in the study. Some heads of security did not respond when the researcher stated that they were from PSiRA. This could possibly be as a result of them not being registered with PSiRA or that since anti-poaching is a high risk and sensitive space, the approached people were concerned about their safety and did not want to share their trade secrets and compromise their safety.

Another limitation that the researcher encountered was securing the participation of the Culture, Arts, Tourism, Hospitality and Sport Sector Education and Training Authority (CATHSSETA) in the study as the relevant Sector Education and Training Authority (SETA) that provides accreditation for anti-poaching training. Numerous attempts were made to get participation from CATHSSETA which did not materialize.

8. LITERATURE REVIEW

8.1 Introduction

Literature review refers to a summary of previous research on a topic such as scholarly articles, books and other sources relevant to a particular area of research.³⁰ A literature review is not only a summary but also a synthesis of information. A synthesis is the re-organising or reshuffling of information that gives a new interpretation of old material or combining new with old interpretations.³¹ In so doing, it enables the researcher to identify the insights of other authors on the topic being researched. Moreover, it assists the researcher in identifying gaps within the pool of knowledge which their study may potentially fill. The following literature review focuses on the following aspects in relation to poaching:

- The history of poaching and the current state of poaching in South Africa;
- The different mechanisms used in anti-poaching, namely, green militarisation and inclusive anti-poaching done by looking at the successes and shortcomings of these two;
- Regulations for anti-poaching as per the PSiR Act, 2001;
- Regulations of other Southern African Development Community (SADC) countries including Botswana, Kenya and Mozambique. As is the case in South Africa, these countries have been struggling with the plight of poaching;
- The use of security equipment and working animals for anti-poaching; and
- The training standards of anti-poachers.

8.2 The history of poaching and its current state

Poaching is an act that has been in existence since the times of antiquity.³² However, it was not carried out for monetary gain as is the case presently. Then, poaching was performed by impoverished people for subsistence purposes and was a supplement for meagre diets.³³ The nature of poaching was set against the laws of nobility and territorial laws,³⁴ which meant that persons who hunted illegally on the land allocated to royalty were guilty of poaching. In the 1800's Europeans who came to Africa and hunted big game were guilty of poaching and some were actually tried and found guilty by the African kings on whose land they had hunted on without permission.³⁵

During the 1900's when Africa was colonised by European countries, the laws of these countries were enforced in the colonised countries. Subsequently, most forms of African hunting, including hunting for food, were officially deemed as poaching.³⁶ The English hunting laws influenced the laws of poaching in South Africa³⁷ arguably so they still affect the poaching laws to this day. In 1671, The Game Act was passed in the Parliament of England in an effort to "address" the decreasing number of deer across the country³⁸ but did not protect the diminishing deer that the Act sought to protect.

30 Bloomberg University of Pennsylvania., 2018. Literature Review: A definition, Available at <https://libguides.wustl.edu/our?p=302677> accessed 5 March 2019.

31 Ibid.

32 Thompsell, A., 2019. Poaching in Africa: A Brief History of How It Started, Available at <https://www.thoughtco.com/poaching-in-africa-43351> accessed 5 March 2019.

33 Encyclopædia Britannica, Inc., 2010. Poaching, Available at <https://www.britannica.com/topic/poaching-law> accessed 5 March 2019.

34 Thompsell, A., 2019. Poaching in Africa: A Brief History of How It Started, Available at <https://www.thoughtco.com/poaching-in-africa-43351> accessed 5 March 2019.

35 Ibid.

36 Ibid.

37 Couzens, E., 2003. *The Influence Of English Poaching Laws On*

38 *South African Poaching Laws*, Available at <https://hdl.handle.net/10520/EJC34238> accessed 5 March 2019.

39 Ibid.

Upon landing in South African, Jan van Riebeeck initiated conservation legislation and created the first poaching laws by placing restrictions on hunting in the area of the Cape Colony.³⁹ Implementation of the legislation was driven by the racial issues and concerns that had already arisen in relation to hunting by enslaved persons, Khoisan and Coloured people.⁴⁰

Over the years, laws by the Afrikaners and English were enforced in the regions in which they occupied, with these laws restricting Africans from partaking in hunting in the name of conservation. Although there were restrictive laws towards Africans, the damage being caused towards the environment through hunting was evident. In fact, there was also the African populace as a whole who were often blamed for the destruction of game even though they did little damage by comparison to the British or the Boers.⁴¹ According to Stevenson-Hamilton who was the first warden of South Africa's Sabie Nature Reserve, the damage done by Africans in a year would not equal to that done by "a few Afrikaners in a week".⁴²

Poaching today is not only limited to the killing of game but includes other species as well such as fauna and aquatic animals. When defined, poaching is the illegal shooting, trapping, or taking of game, fish, or plants from private property or from a place where such practices are specially reserved or forbidden.⁴³ Lin (2018), states that poaching is the illegal taking of wildlife, in violation of local and international law.⁴⁴ In South Africa the NEMBA, 2004, is responsible for the protection of protected species and provides guidelines on what is permitted when hunting. Contravention of the NEMBA, 2004 is a punishable offence as stated in section 101 of the Act. South Africa is also a member of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES regulate the trade of certain species to prevent over-exploitation with the aim of ensuring that the international trade in wild animals and plants species does not threaten their survival.⁴⁵

South Africa faces an enormous problem with the various types of poaching that are affecting the country in many ways. Firstly, poaching affects the country monetarily in terms of the money that is lost to the black market. The country has lost R96 million to abalone poaching alone since the year 2000.⁴⁶ This amount excludes the money lost through the theft and sale of ivory, rhino horns, pangolins, cheetahs and other fauna and flora that are worth a fortune in the black market. Furthermore, poaching has had a negative effect on the tourism industry in the African continent. Visitors have reported their dissatisfaction of the noise levels that are caused by the increasing number of airborne anti-poaching patrols.⁴⁷ Tourism contributed 8.9% to the country's total Gross Domestic Product (GDP) and 9.5% to the employment of the country in 2017.⁴⁸

Among the various types of poaching in South Africa, rhino poaching remains the most problematic. Statistics indicate that there has been a decrease in the number of rhino poaching. In 2017, rhino poaching statistics were 1028 and in 2018 they were 769.⁴⁹ The decrease in rhino poaching could potentially be linked to the nationwide efforts that have been done to address the problem. However, the attention has now shifted from rhino poaching to elephant poaching due to the near extinction of elephants in some SADC countries which resulted in poachers and dealers coming to South Africa.⁵⁰

It has proven difficult to curb the issue of poaching due to the fact that poaching is a well-orchestrated criminal activity driven by well organised and sophisticated poaching syndicates who can easily switch attention from one species to another.⁵¹ Hubschle (2016) argues that the poaching and trade of rhino horns is a global "supply chain" that is demand-driven and dominated by organized crime networks.⁵² According to Miliken (2014; 18 cities in Hubschle, 2016) "these operatives associate with corrupt actors within the private sector and state and are highly mobile and well financed, allowing them to travel in the southern African regions and Asia to set up deals".⁵³

Lack of successful prosecution of poachers is another contributing factor to poaching.⁵⁴ However, this seems to be changing as observed in the case of three men who have delayed court proceedings for the past 10 years but were finally found guilty for poaching. Prosecution of these three men has not been passed down, however, prosecution and defence experts are estimating that the duo will be given 12 to 25 years.⁵⁵

- 39 Ibid.
- 40 Rabie South African. *Environmental Legislation* (1976) 53, cited in Couzens, E., 2003. *The Influence Of English Poaching Laws On South African Poaching Laws*, Available at <https://hdl.handle.net/10520/EJC34238> accessed 5 March 2019.
- 41 Couzens, E., 2003. *The Influence Of English Poaching Laws On South African Poaching Laws*, Available at <https://hdl.handle.net/10520/EJC34238> accessed 5 March 2019.
- 42 Ibid.
- 43 Encyclopædia Britannica, Inc., 2010. *Poaching*, Available at <https://www.britannica.com/topic/poaching-law> accessed 23 April 2019.
- 44 Lin, D., 2018. *What Is Poaching?*, Available at <https://www.thoughtco.com/overview-of-poaching-127892> accessed 10 March 2019.
- 45 Department of Environmental Affairs., 2019. *South Africa as a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*, Available at https://www.environment.gov.za/legislation/international_agreements/sapartytocites accessed 23 April 2019.
- 46 Evans, J., 2018. *SA has lost 96 million abalone to poaching since 2000 - new report*, News 24, 19 September 2018, Available at <https://www.news24.com/Green/News/sa-has-lost-96-million-abalone-to-poaching-since-2000-new-report-20180919> accessed 10 March 2019.
- 47 AFP., 2018. *Tourism at risk from poaching: Conference unpacks conservation in Africa*, Heraldlive, 17 September 2018, Available at <https://www.heraldlive.co.za/news/world/2018-09-17-tourism-at-risk-from-poaching/>.
- 48 Smith, C., 2018. *Record year for SA tourism in 2018 - global report*, Fin 24, 22 March 2018, Available at: <https://www.fin24.com/Economy/record-year-for-sa-tourism-in-2018-global-report-20180322> accessed 10 March 2019.
- 49 Save the rhino., n.d. *The latest from South Africa*, Available at <https://www.savetherhino.org/rhino-info/poaching-stats/>, accessed 12 March 2019.
- 50 Stones, L., 2018. *Poachers will wipe out SA's elephants next*, Business Day, 30 August 2018, Available at <https://www.businesslive.co.za/bd/life/2018-08-30-poachers-will-wipe-out-sas-elephants-next/> accessed 11 March 2019.
- 51 Ibid.
- 52 Hubschle, A., 2016. *A Game of Horns: Transnational Flows of Rhino Horn*, Available at <https://www.researchgate.net/publication/306319572> accessed 15 March 2019.
- 53 Miliken, T., 2014. *Illegal trade in ivory and rhino horn: An assessment report to improve law enforcement under the Wildlife TRAPS Project USAID and TRAFFIC*, Available at <https://www.traffic.org/site/assets/files/2544/w-traps-elephant-rhino-report.pdf> accessed 30 March 2019.
- 54 Carnie, T., 2019. *Swift end to nearly 10-year rhino poaching trial*, Daily Maverick, 26 March 2019, Available at <https://www.dailymaverick.co.za/article/2019-03-26-swift-end-to-nearly-10-year-rhino-poaching-trial/> accessed 30 March 2019.

NEMBA, 2004 informs the laws of hunting in the Republic and also provides protection of protected or endangered species by categorizing these species into four, namely:

- critically endangered species
- endangered species
- vulnerable species, and
- protected species.⁶⁰

Rangers who work at national parks and on private property provide the protection of some of these protected species by providing a security service to these areas.

Green militarisation has become an influential approach to anti-poaching especially with the anti-poaching of rhinos and elephants. When described, green militarisation is the use of military and paramilitary personnel, training, technologies, and partnerships in the pursuit of conservation efforts.⁶¹ South African National Parks (SANParks) such as the Kruger National Park (KNP) make use of green militarisation to protect animals in their parks. It can be argued that green militarisation as an anti-poaching method is working due to the decrease in anti-poaching statistics which have been previously mentioned in text. However, studies that have been done on green militarisation report the contrary.

A study that was conducted at the Mangalane community, an area located adjacent to the KNP on green militarisation demonstrates that the use of green militarisation widens the gap and increases hostilities between KNP, neighbouring reserves and adjacent communities.⁶² Additionally, there are issues of human rights violation which often occur through the violent perpetuation of exclusionary practices of conservation, and further marginalisation of already vulnerable groups.⁶³

This treatment towards communities living next to nature reserve parks is a regression of the oppressive treatment they received during colonisation and the Apartheid era. "The creation of parks often resulted in communities being forcibly relocated to new areas, or losing their land. Reserves were fenced off, and the communities lost their rights and access to resources within the reserves".⁶⁴ The unfair treatment of these communities is a reversal of the work done to rectify the wrongs of the past through the land restitution process.

The effects of green militarisation are also partly one of the reasons why poaching is still eminent in nature reserve parks. The treatment that community members endure at the hands of anti-poachers fuels community members to poach the animals that these rangers are protecting. Findings of a study highlight that some poachers were motivated by rebellion or disagreements with rules.⁶⁵ This rebellious behaviour is noted in James Hawker's autobiography dubbed the King of the Norfolk Poachers. Hawker states that poaching was more for revenge than gain⁶⁶ because of the laws (the Game act) that allowed for land owners to steal from the poor. Additionally, the relationship between game wardens and poachers was an important determinant of voluntary compliance with conservation rules.⁶⁷

Green militarisation has resulted in loss of life which still continues to fuel poaching. Many suspected poachers have been killed in South Africa and Botswana without the opportunity to surrender, which is a contravention to the human rights of a person.⁶⁸ Local communities and tribes are often caught in the crossfire between wildlife managers and poachers because of wildlife reserves that have become "war zones" due to green militarism.⁶⁹ Scholars have written extensively on green militarism and how it has not aided in combating poaching.

Community based anti-poaching, also referred to as inclusive anti-poaching is another approach which has proven to be effective in upholding the human rights of people living in surrounding game reserves. This approach does not see the community members as enemies⁷⁰ and acknowledges that communities do not gain from the protection of these animals whereas they gain directly and indirectly from poaching.⁷¹ These gains become attractive for communities where there is high unemployment and poverty levels which characterises communities which surround game reserves.⁷²

The findings of a study that was conducted in the Mangalane (Sabie area of Mozambique adjacent to KNP) on inclusive anti-poaching shows that communities support conservation strategies when they can gain from such.⁷³ The community of Mangalane are employed as scouts and gain monetary benefits that motivate them to support the scouts.⁷⁴ These scouts

- 60 SANBI., 2018. *Threatened Species: A guide to Red Lists and their use in conservation*, Available at <https://www.sanbi.org/wp-content/uploads/2018/03/guide-threatened-species-and-red-listing.pdf> accessed 11 March 2019.
- 61 Lunstrum, E., 2014. *Green Militarization: Anti-Poaching Efforts and the Spatial Contours of Kruger National Park*, *Annals of the Association of American Geographers*, Vol. 104(4), 816-832, Available at <https://doi.org/10.1080/00045608.2014.912545> accessed 12 March 2019.
- 62 Masse, F., Gardiner, A., Lubilo, R and Themba, M. N., 2017. *Inclusive anti-poaching? Exploring the potential and challenges of community-based anti-poaching*, *SA Crime Quartley*, Vol. 2017(20), 19-27, Available at <https://hdl.handle.net/10520/EJC-84baee322> accessed 15 March 2019.
- 63 Ibid.
- 64 Department of Environmental Affairs., n.d. *South African history of conservation*, Available at https://www.environment.gov.za/projectsprogrammes/peopleparks/southafrican_conservationhistory accessed 15 March 2019.
- 65 Hubschle, A., 2016. *A Game of Horns: Transnational Flows of Rhino Horn*, Available at <https://www.researchgate.net/publication/306319572> accessed 20 March 2019.
- 66 Jones, D. J. V., 1979. 'The Poacher: A Study in Victorian Crime and Protest', *The Historical Journal*, Vol. 22(4), pp. 825-860, Available at <https://www.jstor.org/stable/2638689> accessed 4 April 2019.
- 67 Ibid.
- 68 Lunstrum, L and Bond, P., 2016. *Why military and market responses are no way to save species from extinction*, Available at [https://www.wits.ac.za/news/latest-news/in-their-own-words/2016-10/why-military-and-market-responses-are-no-way-to-save-species-from-extinction.html](https://www.wits.ac.za/news/latest-news/in-their-own-words/2016/2016-10/why-military-and-market-responses-are-no-way-to-save-species-from-extinction.html) accessed 20 March 2019.
- 69 Shrivastava, S., 2016. *Is green militarisation a right response to curb poaching? Such a step to protect wildlife, which is in practice in Kaziranga, has been criticised for alienating indigenous people*, Available at <https://www.downtoearth.org.in/blog/wildlife-biodiversity/is-militarisation-of-conservation-enough-to-stop-poaching--53659> accessed 20 March 2019.
- 70 Masse, F., 2017. *Community participation is needed for more effective anti-poaching*, *The Conversation*, Available at <https://theconversation.com/community-participation-is-needed-for-more-effective-anti-poaching-82596> accessed 20 March 2019.

act as a link between community members and local law enforcement.⁷⁵ This strategy of anti-poaching does not cause any harm and is beneficial for all the people involved. Furthermore, it is applicable to land reformation which seeks to economically benefit communities living around game parks.

Inclusive anti-poaching does present challenges where communities are not given the power to make decisions on conservation and where they do not gain anything beyond salaries for being scouts. Such challenges can be prevented when certain measures to address them are put in place.⁷⁶

8.4 The regulation of anti-poachers

It must be noted that there is a dearth of literature on the regulations of anti-poachers in South Africa. For this reason, the regulations of other SADC countries will be discussed in the text. The South African National Defence Force (SANDF), the South African Police Service (SAPS) and any intelligence services formed in line with the Constitution as mentioned in section 199(1) are the security services of the Republic.⁷⁷ All other security services not mentioned are considered as private security services. All security service providers and any person rendering his or her security services should be registered with the Authority as per the PSiR Act, 2001.⁷⁸ Moreover, the definitions of the PSiR Act, 2001 define a security service as the protecting or safeguarding a person or property in any manner.⁷⁹ This definition also includes anti-poachers or rangers who protect animals from being poached.

The regulation of anti-poachers is probably one of the security services that needs to be regulated due to the nature of the job. Many people, including innocent civilians, have died at the hands of anti-poachers. PSiRA 's legislative mandate is to promote a private security industry that is legitimate which acts in terms of the principles contained in the Constitution⁸⁰ with the right to life being one of them. When innocent people are killed, it becomes questionable if enough is being done to regulate anti-poachers in order to ensure that they adhere to the regulations of the Authority. Moreover, it becomes a concern when security service providers do not adhere to the regulations of the Authority and become a security threat to people.

8.5 Anti-poaching regulations in selected SADC countries

The following section of the literature review focuses on the regulation of anti-poaching as stated in section 8.1.

Botswana: In an effort to address poaching, Botswana has adopted a shoot-to-kill policy, an approach which to some extent has worked but, has also proved to be controversial. This policy has worked in that Botswana is now considered a safe haven for endangered species with some of the rhino's in South Africa being moved there for protection.⁸¹ Moreover, Botswana's conservation of mega fauna has been dubbed as being part of the world's most successful conservation efforts.⁸² The population of mega fauna has grown substantially since the implementation of the shoot-to-kill policy. Botswana's death rate for rhino's between the periods 2013 to 2015 was 0.1% of Africa's rhino mortality rate.⁸³ The shoot-to-kill policy is said to give a strong message to poachers that poaching in Botswana may lead to loss of life.⁸⁴

Whilst the shoot-to-kill policy has its victories, it also has its demises as it is not necessarily viewed as a policy since there is no government document outlining its position.⁸⁵ Public policy is described as "the principles, often unwritten, on which social laws are based".⁸⁶ Based on the announcement made in 2013 by the government of Botswana to shoot-to-kill suspected poachers,⁸⁷ the shoot-to-kill policy makes it legal for members of the Botswana Defence Force (BDF), game scouts or rangers to kill poachers. There is an exception to scouts and rangers that their use of the policy must be justified and lawful.⁸⁸ However, it can be questioned where the lines of justification for the use of the policy must be drawn as there is no formal document outlining it.

Green militarisation is not accepted in communities surrounding game reserves due to the treatment these communities receive. In Botswana, the phenomenon exists with communities complaining of frequent raids by the BDF and communities having the view that government prioritises conservation over human welfare.⁸⁹ Ethically the shoot-to-kill

Inclusive anti-poaching does present challenges where communities are not given the power to make decisions

- 71 Ibid.
- 72 Masse, F., Gardiner, A., Lubilo, R and Themba, M. N., 2017. *Inclusive anti-poaching? Exploring the potential and challenges of community-based anti-poaching*, SA Crime Quarterly, Vol. 2017(20), 19-27 Available at <https://hdl.handle.net/10520/EJC-8dbae322> accessed 21 March 2019.
- 73 Ibid.
- 74 Ibid.
- 75 Ibid.
- 76 Masse, F., 2017. *Community participation is needed for more effective anti-poaching*, The Conversation, Available at <https://theconversation.com/community-participation-is-needed-for-more-effective-anti-poaching-82596> accessed 25 March 2019.
- 77 Kole, J., 2017. 'Exploring questions of power: Peace officers and private security', SA Crime Quarterly, Vol 2017(61), pp. 19-29, Available at <https://hdl.handle.net/10520/EJC-b69769d10> accessed 28 March 2019.
- 78 PSiR Act, 2001.
- 79 Ibid.
- 80 PSiRA Intranet, Available at <http://intranet-info.psira.co.za/joomla/index.php> Available at 28 March 2019.
- 81 Mogomotsi, G. E. J and Madigele, P. K., 2017. 'Live by the gun, die by the gun', SA Crime Quarterly, 2017(60), p. 51 – 59, Available at <https://hdl.handle.net/10520/EJC-8e1505891> accessed 1 May 2019.
- 82 Ibid.
- 83 Ibid.
- 84 Ibid.
- 85 Ibid.
- 86 Public Policy, Oxford Dictionary., 2019.
- 87 Mogomotsi, G. E. J and Madigele, P. K., 2017. 'Live by the gun, die by the gun', SA Crime Quarterly, 2017(60), p. 51 – 59, Available at <https://hdl.handle.net/10520/EJC-8e1505891> accessed 1 May 2019.
- 88 Ibid.
- 89 Ibid.

policy is not acceptable as it contravenes the right to life. In environmental ethics, there is no philosophical position that justifies the taking of human life in defence of a non-human species.⁹⁰

Kenya: Kenya has been at the forefront of anti-poaching with the use of new techniques assisting them to carry out their anti-poaching initiatives. The country now prides itself with specialised sniffer dogs that can track the scent of illegal shipments of rhino and elephant horns using a technique called Remote Air Sampling for Canine Olfaction (RASCO) which works by having samples taken from the vents of the shipments using filters and then presented to the dogs who can sniff out illegal items within seconds.⁹¹

Like other countries in Africa, Kenya uses green militarisation in anti-poaching and has made strides in addressing poaching, even having the country's first lady, Margaret Kenyatta spearheading the Hand Off Our Elephants campaign.⁹² Kenya's success in anti-poaching is mostly attributed to the stringent laws that the country has passed on anti-poaching resulting in poachers moving to Southern African countries. Dr. Kahumbu, a world-renowned nature conservationist states that an ivory dealer move to where defences are weaker and where there are more elephants to annihilate.⁹³ Kenya's anti-poaching initiatives are yielding good results with elephant poaching having plummeted from 90% and having a 95% conviction rate of poachers and ivory traders, who can be sentenced to 20 years in jail.⁹⁴

Kenya has also taken anti-poaching to the next level by announcing that the country was on track by enacting a law to making the illegal hunting of wildlife a capital offense punishable by the death penalty.⁹⁵ Najib Balala, the Minister of Tourism and Wildlife in Kenya made the announcement of this law in 2018. He stated that the move to pass the death sentence for poaching will assist in curbing the practice which has not been deterred by fining and handing of life sentences to poachers.⁹⁶

Mozambique: The inability of South African authorities to pursue poachers from Mozambique after they cross the border, has resulted in a high level of poachers evading arrests. It is estimated that 90% of the rhinos poached in the KNP are killed by poachers entering the park through the over 400 kilometre-long border fence from Mozambique.⁹⁷ Adding to this problem is the international treaty named the Great Limpopo Trans frontier Park that was signed in December 2002 by the presidents of South Africa, Mozambique and Zimbabwe. The treaty resulted in several areas of fence being dropped along the South African or Mozambican border to increase the habitat for wildlife and encourage animals to roam between the countries' nature reserves.⁹⁸

South Africa and Mozambique have joined forces in order to clamp down on the poaching that is happening in KNP. When poachers cross the border into Mozambique the authorities from South Africa tip off their Mozambican counterparts to take pursuit and deal with those arrested in accordance with the Mozambican law.⁹⁹ The Conservation Areas Law that was proposed in 2014 imposed a prison sentence of up to 12 years, as well as a \$90 000 fine for poachers of endangered species, including rhino and elephant.¹⁰⁰

In 2016, The Assembly of the Republic of Mozambique approved a draft law that increases the term of imprisonment from 12 to 16 years for the destruction of protected species of fauna and flora.¹⁰¹ Likewise, the amended law corrects a gap in the 2014 law on the Protection, Conservation and Sustainable Use of Biological Diversity, which did not reach people who fund poaching and those found in possession of protected species.¹⁰²

88 *Ibid.*

89 *Ibid.*

90 *Ibid.*

91 Adebayo, B., 2018. Super sniffer dogs help Kenya crack down on illegal ivory poaching, Available at <https://edition.cnn.com/2018/08/27/africa/kenya-antipoaching-technique/index.html> accessed 7 May 2019.

92 *Ibid.*

93 Stones, L., 2018. Poachers will wipe out SA's elephants next. *Business Day*. Available at <https://www.businesslive.co.za/bd/life/2018-08-30-poachers-will-wipe-out-sas-elephants-next/> accessed 11 May 2019.

94 *Ibid.*

95 Masse, F., 2018. Kenya's death penalty plan for poachers has stirred a hornet's nest, Available at <https://theconversation.com/kenyas-death-penalty-plan-for-poachers-has-stirred-a-hornets-nest-96865> accessed 12 May 2019.

96 Ishak, N., 2019. Wildlife poachers in Kenya could face the death penalty, Available at <https://allthatsinteresting.com/death-penalty-poaching-kenya> accessed 11 May 2019.

97 Goba, N., 2017. Mozambique and Kruger Park hard at work to nail rhino poachers, Available at <https://www.timeslive.co.za/news/sci-tech/2017-11-28-mozambique-and-kruger-park-hard-at-work-to-nail-rhino-poachers/> accessed 11 May 2019.

98 Save The Rhino., 2013. Mozambique's role in the poaching crisis. Available at <https://www.savetherhino.org/thorny-issues/mozambiques-role-in-the-poaching-crisis/> accessed 13 May 2019.

99 Goba, N., 2017. Mozambique and Kruger Park hard at work to nail rhino poachers. Available at <https://www.timeslive.co.za/news/sci-tech/2017-11-28-mozambique-and-kruger-park-hard-at-work-to-nail-rhino-poachers/> accessed 13 May 2019.

100 n.a., 2014. Mozambique considers poaching laws. Available at <https://www.news24.com/Green/News/Mozambique-considers-poaching-law-20140409> accessed 13 May 2019.

101 Welle, D., 2016. Mozambique extends penalties for destruction of protected species, Available at <https://clubofmozambique.com/news/mozambique-extends-penalties-destruction-protected-species/> accessed 14 May 2019.

102 *Ibid.*

8.6 Security equipment, weaponry and working animals

Due to the current worldwide shift to digitisation and technology, more security companies are opting to use security equipment in their daily operations. However, regulation of this equipment falls short due to the definition of security equipment as per the PSiR Act, 2001. According to the definitions of the Act a security equipment is:

“(a) an alarm system; (b) a safe, vault or secured container; a satellite tracking device, closed circuit television or other electronic monitoring device or surveillance equipment; (d) a device used for intrusion detection, access control, bomb detection, fire detection, metal detection, x-ray inspection or for securing telephone communications; (e) a specialised device used to open, close or engage locking mechanisms; or (f) a specialised device used to reproduce or duplicate keys or other objects which are used to unlock, close or engage locking mechanisms;”¹⁰³

A PSiRA report titled “Conducting Business in a Grey Area” by Seanego (2018) makes recommendations to redefine the definition of what a security equipment is and to identify other types of security equipment not contemplated in section 1 of the Interception and Monitoring Prohibition Act, 1992 as amended that must be regulated.¹⁰⁴ This includes drones which anti-poachers use but are not included in the PSiR Act, 2001 but are used as security equipment. Drones are not the only security equipment used for anti-poaching, wireless technology and robotics are now also being used as a security equipment but are not expressly in the PSiR Act, 2001. Seanego (2018) also mentions that it is important to also not over regulate security equipment because other regulatory bodies such as the Independent Communications Authority of South Africa (ICASA) regulate some of this equipment.¹⁰⁵ Some weaponry such as the Mbombe 6x6 which is locally manufactured take the form of both weaponry and security equipment. Seanego (2018) mentions that the manufacturing, importation, selling and distribution of other security equipment is regulated by PSiRA as per section 35(s) of the Act.¹⁰⁶ This poses a question as to where the line must be drawn when it comes to regulating security equipment.

Green militarisation has resulted in the creation of a militarised conservation security service. It has opened the doors of conservation to private defence corporations who seek to create new markets for their hardware and services.¹⁰⁷ This means that new security equipment is imported and exported from the Republic and can potentially be a security risk to the country and other countries that use this equipment. In war zones, they leave destruction which they cover up with their commitment to conservation.¹⁰⁸ The Firearms Control Regulations, 2004 regulates the manufacturing and distribution of weaponry. With some of the weaponry being manufactured in South Africa that ends up being used for other purposes other than conservation; the sovereignty of other countries is affected possibly straining the relations South Africa has with these countries.

Canines (K9) are also an additional security feature that anti-poachers use to assist them in carrying out their work. Gichanga (2015) states that the “Security Officers’ (SOB) Board Notice 15 of 1998 published in Government Gazette No. 19067 contains the first explicit establishment of training standards for security dogs and handlers”.¹⁰⁹ New regulations on working animals which include K9’s have been established by the Authority and have been sent out for public comment. Section 1 of the regulations stipulates the different regulations for the purpose of regulating the training, supplying and usage of working animals within the private security industry.¹¹⁰ These regulations also include the training standards and regulations of dog handlers.

An article authored by Smit (2019) raises concerns on the training standards of K9’s as an elderly man was viciously attacked by a guard dog as he passed by the animal whilst shopping.¹¹¹ The article further highlights that the dog and the dog handler were trained in terms of PSiRA regulations and handlers undergo a testing procedure prior to them being issued with their K9 handler certificate.¹¹² The Safety and Security Sector Education and Training Authority (SASSETA) accredits the training of working animals. In her report Gichanga (2015) states that one of the issues with the SASSETA skills programmes is that it focuses solely on the dog handler.¹¹³ This is a predicament because both the dog handler and the dog provide a security service and not only the handler.

Canines (K9)
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¹⁰³ PSiR Act, 2001.

¹⁰⁴ Seanego, T., 2018. *Conducting business in a grey area: The manufacturing, importation, selling and distribution of security equipment in South Africa*, Available at https://www.psiira.co.za/psira/dmdocuments/research/PSIRA%20Security%20Equipment_d10_updated.pdf accessed 30 April 2019.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Lunstrum, L and Bond, P., 2016. *Why military and market responses are no way to save species from extinction*, Available at <https://www.wits.ac.za/news/latest-news/in-their-own-words/2016/2016-10/why-military-and-market-responses-are-no-way-to-save-species-from-extinction.html> accessed 24 April 2019.

¹⁰⁸ Ibid.

¹⁰⁹ Gichanga, M., 2015. *Canine protection dogs and dog handlers in the South African Private Security Industry*, Available at https://www.psiira.co.za/psira/dmdocuments/research/Canine_Protection-Dogs%20and_Dog-Handlers_31March2015.pdf accessed 9 April 2019.

¹¹⁰ Regulations relating to working animals in the private security industry, 2018 (Gazetted by PSiRA).

¹¹¹ Smit, P., 2019. ‘Security dog strips man at Kempton Park mall’, Suid-Kaap Forum, 5 April 2019, Available at <https://www.suidkaapforum.com/News/Article/National/security-dog-strips-man-at-kempton-park-mall-201904050913> accessed 26 April 2019.

¹¹² Ibid.

¹¹³ Gichanga, M., 2015. *Canine protection dogs and dog handlers in the South African Private Security Industry*, Available at https://www.psiira.co.za/psira/dmdocuments/research/Canine_Protection-Dogs%20and_Dog-Handlers_31March2015.pdf accessed 9 April 2019.

¹¹⁴ CATHSETTA Annual Report 2016/2017, Available at <http://www.nationalskillsauthority.org.za/wp-content/uploads/2014/11/Cathsetta.pdf> accessed 9 April 2019.

It is one of PSiRA's legislative functions to promote high standards in the training of service providers and prospective security service providers.

8.7 Training Standards of Anti-Poachers

The Culture, Arts, Tourism, Hospitality and Sport Sector Education and Training Authority (CATHSETTA) is established in terms of section 29 of the South African Constitution.¹¹⁴ CATHSETTA is responsible for the accreditation of training and training centres for anti-poachers. CATHSETTA is also established to research and develop a sector skills plan to roll out skills development programmes to service the interests of the following sectors within our economy and society: Arts, Culture and Heritage; Conservation; Gaming and Lotteries; Hospitality; Sport, Recreation and Fitness; and Tourism and Travel Services.¹¹⁵ CATHSETTA is recognised as the relevant Sector Education and Training Authority (SETA) that develops the training standards of rangers and also gives training centres accreditation to train anti-poachers.

It is one of PSiRA's legislative functions to promote high standards in the training of service providers and prospective security service providers.¹¹⁶ One of the ways in which this is achieved is through the partnership between PSiRA and SASSETA. SASSETA serves the safety and security environment of South Africa with the facilitation of skills development and qualifications.¹¹⁷ Given that anti-poaching falls under conservation and security, there is a need for CATHSETTA, SASSETA and PSiRA to work together in regulating the anti-poaching space. A synergy which is of cardinal importance as the mandates of PSiRA and the SETA's overlay each other.

9. FINDINGS OF THE STUDY

This section of the report contains the data that was collected by the researcher which is presented in themes in order as influenced by the qualitative research methodology used in this study.

9.1 Current state of poaching

Anti-poaching is an activity carried out by service providers known as anti-poachers. It is critical to identify the services, roles, and responsibilities of these individuals before embarking on an in-depth discussion on the subject of anti-poaching. It is equally important to ascertain the appropriateness of the title of anti-poachers which is deemed inappropriate in the industry as the word 'anti' means to be against something and does not depict the work done by anti-poachers.¹¹⁸ The title of counter-poacher is deemed more applicable as their work entails counter attacking the efforts of poachers who intend to poach animals.¹¹⁹ The participants of the study highlighted the dangers associated with counter poaching, mentioning that it is more dangerous than cash-in-transits (CIT).¹²⁰ Poachers now hunt for the counter poachers first in order to get to the animals that they intend to poach.¹²¹ Poaching has become so rife that counter poachers now opt to live in the bush with the animals that they are protecting and have to relocate with these animals to new areas when the animals decide to change locations.¹²²

One of the gravest dangers associated with counter poaching is the *modus operandi* used by the poachers. The data collected in the study indicates that most of the poachers were from Mozambique and are highly trained ex-military personnel who fought in the civil wars between the Frelimo and Renamo.¹²³ When the wars ended these groups were left with rifles and ammunition which they use to carry out their poaching activities. The economic situation in Mozambique has made it possible for these syndicates to recruit these ex-military soldiers to poach animals in South Africa. These syndicates also provide firearms and ammunition to these poachers in order for them to carry out their work.

These poachers are regarded as dangerous as they possess both military and "bush experience" and are able to track animals and cover their tracks through techniques learnt from their time spent in the bush. It is also important to note that poaching is not only done by Mozambicans but may be carried out by South Africans and international foreigners. In some instances, veterinarians have been arrested for providing tranquilizers to poachers.¹²⁴ Poaching is not limited to certain groups and professions; it even involves those meant to protect these animals.

115 Ibid.

116 PSiRA intranet, Available at <http://intranet-info.psira.co.za/joomla/index.php/about-psira/legislative-mandate> accessed 9 April 2019.

117 National Government of South Africa., n.d. Safety and Security Sector Education and Training Authority (SASSETA), Available at <https://nationalgovernment.co.za/units/view/156/safety-and-security-sector-education-and-training-authority-sasseta> accessed 9 April 2019.

118 Gert Botha and Gert Du Plessis, 23 May 2019. Div Lamprecht and Li Lotriet, 8 July 2019.

119 Ibid.

120 Gert Botha and Gert Du Plessis, 23 May 2019.

121 Gert Botha and Gert Du Plessis, 23 May 2019. Rodney Visser, 10 June 2019.

122 Gert Botha and Gert Du Plessis, 23 May 2019.

123 Rodney Visser, 10 June 2019. Abri, 11 June 2019. Hennie, 26 June 2019.

124 Zayne Barkas and Vincent Barkas, 19 February 2019.

125 Chris Botha, Johan van Straten, Andrew Davies, Ashwell Glasson, 16 May 2019.

126 Paul Gildenhuyse, 12 June 2019.

Poaching is not only limited to fauna (animals) but it also includes flora (plants) and fruit as well. Some areas in game parks have game rangers who are armed protecting paperbark trees from having their bark stripped off.¹²⁵ Many of the international poachers who come to the country do so in the guise of travelling into the country as tourists. Once in the country they poach for plants and other animals that are worth thousands in the black market.¹²⁶ These tourists come from Eastern Europe and Asia which makes it hard to target them because they come from different countries.¹²⁷

9.2 Training requirements and accreditation

9.2.1 Training requirements

The participants each had their own different criteria to recruit prospective counter poachers, with some of the requirements being similar to each other. Majority of the companies trained their staff internally and others employed people who have already been trained as counter poachers. Some companies preferred not having anyone who does not have experience because of the dangers of the job.¹²⁸ Some of the private game reserves sent their people to be trained by anti-poaching training centres but before being sent for training, they needed to have at least a PSiRA grade E.

The process may sometimes be vice versa where the prospective employee would be PSiRA registered and not have training as a counter poacher. For some, this phenomenon created an issue in the employment process as it brought about delays. There is a need for training centres that are well recognised in the country to collaborate with PSiRA to ensure that trainees leave the training centres with PSiRA accreditation.¹²⁹

The job of a counter poacher is strenuous and requires an individual who is physically fit, without disabilities and in good health.¹³⁰ The prospective counter poacher must be ethical and without a criminal record.¹³¹ The ability to write and converse in English is also a requirement that was highlighted as being important as statements need to be written and evidence given when incidences occur in the field.¹³² The most important requirement that was stressed during the interviews is passion and love for the job by all the participants. Given the nature of the job, having passion for it is important, as it entails staying in the bush and risking your own life to protect nature. Being a counter poacher entails working long hours and being secluded and becoming one with nature.¹³³ Passion for conservation is a need that cannot be overlooked or deemed unnecessary.

9.2.2 Training accreditation

CATHSETA and SASSETTA were identified as the two SETAs that most of the participants were affiliated with. CATHSETA being the SETA for tourism and conservation provided accreditation for counter poaching training centres. SASSETTA on the other hand, provided accreditation of the unit standards of the security aspect of counter poaching.¹³⁴ The Authority does not have accredited training for counter poaching, which presents a challenge within the industry with service providers making use of their own un-accredited training materials that have been developed without following prescribed standards and criteria. The South African Wildlife College (SAWC) is the only training institution with CATHSETA accreditation at NQF level 2. The SAWC provides training for some of the national game reserves and anyone who wants to work as a counter poacher.

Some of the participants highlighted that their counter poachers are trained by international companies and are trained by ex-military who have fought in wars.¹³⁵ This poses a challenge as the training provided by these companies is neither PSiRA, SASSETTA nor CATHSETA accredited. The certificates of training are in fact invalid since they are not accredited in South Africa. Moreover, the security training in South Africa is in line with the Constitution of the country.¹³⁶ This brings about great concern on what are the counter poachers are being taught due to horrific encounters recorded in relation to international military war zones.

Secondly, although the training of counter poachers involves combat, the overall aim is not to create or train someone to be a soldier. Some of these ex-military volunteers to teach counter poachers shooting and survival skills. The motive behind them volunteering was suspicious to some of the security managers and they did not allow them to come into contact with their counter poachers. Some of the soldiers who fought in wars in Northern Africa and Afghanistan

The job of a counter poacher is strenuous and requires an individual who is physically fit, without disabilities and in good health.

127 *Ibid.*

128 Hennie, 26 June 2019. Div Lamprecht and Li Lotriet, 8 July 2019.

129 Dwain Strydom, 24 July 2019.

130 Dwain Strydom, 24 July 2019. Div Lamprecht and Li Lotriet, 8 July 2019. Chris Botha, Johan van Straten, Andrew Davies, Ashwell Glasson, 16 May 2019.

131 Gert Botha and Gert Du Plessis, 23 May 2019.

132 Rodney Visser, 10 June 2019. Abri, 11 June 2019. Chris Botha, Johan van Straten, Andrew Davies, Ashwell Glasson, 16 May 2019. Gert Botha and Gert Du Plessis, 23 May 2019.

133 Gert Botha and Gert Du Plessis, 23 May 2019.

134 Ratchel Ndebe, 12 August 2019.

135 Abri, 11 June 2019.

136 Marius, 13 August 2019.

137 Anonymous respondent.

138 Anonymous respondent.

The theory states that humans have an innate desire to work their way up the needs hierarchy in pursuit of satisfaction of them having to have met their needs

were coming back to South Africa opening counter poaching companies without being registered with PSiRA.¹³⁷

Many fly-by night companies were reported to exist with some companies training their employees on the job and stating that registration would be done over time.¹³⁸ Many shootings have occurred during operations, therefore adequate training is required prior to these counter poachers being deployed into the field. Although training has been provided, instances of death have been reported, hence the importance of ensuring that training has been provided prior to being deployed into the field.

9.2.3 Counter poaching grading

Unlike CIT heists that may happen in civilian spaces, poaching happens in isolated bush areas where assistance from police and reaction services is not easily and promptly accessible.¹³⁹ This means that counter poachers must be able to deal with any occurrences that may happen in the bush by themselves and must therefore be trained accordingly to deal with any incidence that may occur. The PSiRA grade E to A training in this regard was considered by most of the participants to be irrelevant to the training of counter poachers. Some of the participants also highlighted that the PSiRA graded training served as a good basis for personal hygiene and instilling discipline.¹⁴⁰

It was suggested that counter poaching be structured with its own grading system just like the guarding sector and to make the sector a specialized field of security like CIT.¹⁴¹ It was also mentioned that unlike the guarding grading, the grading system for counter poachers could have rankings.¹⁴² Some of the participants highlighted that it becomes hard to state what function their counter poacher plays in their unit because they do not consider them as usual security guards. Establishing a grading system for counter poachers was mentioned as a dire need for the industry, firstly taking into consideration that the PSiRA accredited training does not cover all of the basic training needed by counter poachers.

In addition to the training aspect, the ranking system is also important for the growth and development of counter poachers. Maslow's theory on motivation is the most used and most influential theory on workplace motivation. The theory states that humans have an innate desire to achieve satisfaction by working and meeting their need to achieve.¹⁴³ It is human nature to want to better oneself in order to satisfy the desire for self-fulfilment through achievements.

The need to be promoted at work may serve as motivation for an individual to work harder and get a new position. The non-existence of the grading limits the growth and developments of counter poachers in the industry. There is no career path for those working within the industry.¹⁴⁴ Having to work the same position for years on end and earning a trivial salary also influences the vulnerability of counter poachers of being recruited as informants for poaching syndicates. One of the major concerns is that some counter poachers who have worked for many years may not have accumulated enough money for retirement and may turn into informants as a way to earn extra cash.¹⁴⁵

Secondly, there is a risk involved with counter poaching which must be considered. Counter poaching security managers and those who have in-house security believe that the Basic Conditions of Employment Act 75 of 1997 (Sectorial Determination 6) wage is not enough considering the dangers of the job. When counter poaching units quote their clients they are forced to use Sectorial Determination 6 as a guide to price their guards; and their prospective clients price their tenders using Sectorial Determination 6.¹⁴⁶ This occurrence also happens with in-house counter poaching units found in private game reserves. The Human Resource (HR) departments pay counter poachers according to the sectorial determination 6 specifications. The use of Sectorial Determination 6 limits security managers in terms of ensuring that their counter poachers are paid what they deserve. The salary needs to also be in line with the money paid for training these counter poachers. Training ranges from R25 000 to R85 000 and the Sectorial Determination needs to be aligned to this.¹⁴⁷

The minimum wage that some of the counter poaching managers paid their staff is R12 000. Fortunately, some of the managers were able to negotiate with their clients on their pricing rate so as to pay their counter poachers the aforementioned amount. A good salary is important because it ensures that workers are committed and loyal to their work. One of

127 Ibid.

128 Hennie, 26 June 2019. Div Lamprecht and Li Lotriet, 8 July 2019.

129 Dwain Strydom, 24 July 2019.

130 Dwain Strydom, 24 July 2019. Div Lamprecht and Li Lotriet, 8 July 2019. Chris Botha, Johan van Straten, Andrew Davies, Ashwell Glasson, 16 May 2019.

131 Gert Botha and Gert Du Plessis, 23 May 2019.

132 Rodney Visser, 10 June 2019. Abri, 11 June 2019. Chris Botha, Johan van Straten, Andrew Davies, Ashwell Glasson, 16 May 2019. Gert Botha and Gert Du Plessis, 23 May 2019.

133 Gert Botha and Gert Du Plessis, 23 May 2019.

134 Ratchel Ndlebe, 12 August 2019.

135 Abri, 11 June 2019.

136 Marius, 13 August 2019.

137 Anonymous respondent.

138 Anonymous respondent.

139 Gert Botha and Gert Du Plessis, 23 May 2019.

140 Zayne Barkas and Vincent Barkas, 19 February 2019.

141 Gert Botha and Gert Du Plessis, 23 May 2019.

142 Rodney Visser, 10 June 2019.

143 Dwain Strydom, 24 July 2019. Div Lamprecht and Li Lotriet, 8 July 2019.

144 The happy manager., 2019. The hierarchy of needs, Available at <https://the-happy-manager.com/tips/maslow-motivation-theory/> accessed 1 July 2019.

145 Chris Botha, Johan van Straten, Andrew Davies, Ashwell Glasson, 16 May 2019.

146 Ibid.

147 Rodney Visser, 10 June 2019. Gert Botha and Gert Du Plessis, 23 May 2019.

148 Gert Botha and Gert Du Plessis, 23 May 2019.

the security breaches that happen within game reserves is as a result of workers who are recruited by poaching syndicates to provide information on the operations inside the game reserve, enabling the poachers to bypass security and poach animals.

The counter poaching industry requires loyalty and commitment to ensure the safety and security of all counter poachers. This will also assist in preventing the probability and danger of attacks by animals which is always a risk associated with the work of a counter poacher.¹⁴⁸ Counter poachers can stay in the veld for days on end when carrying out operations. This means they do not have the luxury of using lavatories, a bed, access to warm water and other necessities. Their job also involves walking long distances as far as 10 kilometres or more per day with a backpack and rifle.¹⁴⁹ All these 'inconveniences' of the job could potentially lead someone to become an informant if they are paid a small salary. Loyalty is bought and when you are paid well you not only become loyal to the company, but to the client that they serve.¹⁵⁰

9.3 Uniforms and firearms

9.3.1 Poaching weaponry

Poaching is a highly organized crime involving syndicates that have means to provide high calibre firearms to the poachers who carry out operations. Armed with such weaponry and knowledge of the bush counter poachers are at war on a daily basis with poachers. Poachers hunt counter poachers in order to poach the animals that they are protecting.¹⁵¹ To ensure that these counter poachers are safe, the protection measures need to be aligned with the threat.¹⁵² To ensure that their counter poachers are safe, firearms with the calibre or a calibre closer to the one that poachers use. It was highlighted that the use of high calibre is not for protection against poachers only, but for natural elements as well.¹⁵³ From the data collected it was highlighted that the preferred calibers for counter poaching is the 3.75, 4.58, AR 15's, R1's, R4's and R5's.

9.3.2 New regulations

The new PSiRA uniforms and firearms regulations were gazetted in June for public comment. In these new regulations restrictions on the types of uniforms that can be worn by service providers and the use of firearms are included. Some of these regulations were not well received by the participants as they felt that they would make their job harder and left them vulnerable.¹⁵⁴ The use of a handgun, shotgun or bolt-action firearm as stated in the new regulations cannot stop an elephant, rhino or buffalo charging towards a counter poacher.¹⁵⁵ The use of high calibre weaponry in counter poaching is justifiable but there is also a need to ensure that the use of deadly force is used when there is a need. Some participants expressed their concern in how the loss of life was treated as a "normal" daily operation fatality.¹⁵⁶ There has been much controversy around the use of firearms around some game reserves and there are not enough police to investigate these cases thoroughly.

Another concern that was raised with regards to the use of high calibre firearms in anti-poaching is the provision of anti-poaching services in areas that did not have endangered species. It was reported that some counter poaching service providers were operating in residential spaces where there is no poaching. Having an office in a residential space or urban space is fine but what is present in urban areas that needs to be protected by counter poachers¹⁵⁷ When it comes to the provision of counter poaching services, where is the line drawn as livestock farmers also hire these companies to render a service to them. Livestock does not fall under the Threatened or Protected Species (TOPS) list as stated in the NEMBA Act, 2004.

There were also concerns raised about uniforms and insignia used by counter poachers especially with regards to camouflage. Camouflage allows counter poachers to blend with the bushes making it hard for poachers to see them.¹⁵⁸ Other counter poaching companies were worried about the costs of having to have new uniform and badges on their uniforms. One company was given written permission by the station commander to use the gold eight pointed shape rayed star of the SAPS badge as part of their insignia.

Poaching is a highly organized crime involving syndicates that have means to provide high calibre firearms to the poachers who carry out operations.

148 Tim, JB and Adrian, 18 July 2019.

149 Chris Botha, Johan van Straten, Andrew Davies, Ashwell Glasson, 16 May 2019.

150 Gert Botha and Gert Du Plessis, 23 May 2019.

151 Gert Botha and Gert Du Plessis, 23 May 2019. Abri, 11 June 2019.

152 Div Lamprecht and Li Lotriet, 8 July 2019.

153 Div Lamprecht and Li Lotriet, 8 July 2019. Gert Botha and Gert Du Plessis, 23 May 2019. Tim, JB and Adrian, 18 July 2019.

154 Tim, JB and Adrian, 18 July 2019.

155 Div Lamprecht and Li Lotriet, 8 July 2019. Hennie, 26 June 2019.

156 Anonymous respondent

157 Andrew Lumbe, 17 May 2019.

158 Abri, 11 June 2019.

159 Gert Botha and Gert Du Plessis, 23 May 2019.

First aid kits were also highlighted as a necessity to deal with any injuries that may occur while out in the field.

9.4 Gadgets and equipment in the field

In carrying out their work, some counter poachers use gadgets to assist them in carrying out their duties. Drones were the most preferred gadget as they use aerial visualisation making it possible to patrol areas faster and night vision makes it easier to spot people at night.¹⁵⁹ There was also interest by some participants to have drones in the future for them to use during operations. Some participants preferred not using drones because of the highly dense environment they work in making it hard for drones to pick up any movement in the bush.¹⁶⁰ Bulletproof for the counter poachers¹⁶¹ and stab proof vests for the K9s were also reported to be used during operations.¹⁶² The protector must be protected first because poachers kill the counter poachers first in order to get access to the rhino's.¹⁶³ Some participants highlighted that they did not use bulletproof vests because of the environment that they work in which has high levels of heat. Moreover, these counter poachers have to carry a rifle and a rug sack with everything that they will need while in the field; the added weight and heat of a bulletproof vest would tire them.¹⁶⁴ First aid kits were also highlighted as a necessity to deal with any injuries that may occur while out in the field. There is an assortment of gadgets and equipment used in counter poaching and what each counter poaching unit utilizes is dependent on the needs of the unit.

9.5 Working animals

9.5.1 Training of K9's and equine

Most of counter poaching companies that were interviewed indicated that they use K9's for their daily operations. The preferred K9 is the Belgian Malinois because of its scent detection ability, it is light footed and does not consume a lot of food and water.¹⁶⁵ Other preferred K9's are Bloodhounds which have the ability to track old tracks that are days old.¹⁶⁶ The current dog handler training is accredited by SASSETA with levels DH1 to DH5. DH1 to DH3 training is the basic dog handling training for patrol dogs; DH4 training is for the more advanced or specialised patrol dog handling and; DH5 training is for detection and tracking dog handling.¹⁶⁷

The DH1 to DH5 training courses only speaks to the dog handler and not to the K9. What is more worrisome about K9 training is the nonexistence of a dog-training curriculum. It was also highlighted that some of the trainees that go for dog handling training complained that the dogs allocated to them for training were sometimes not well trained and others were.¹⁶⁸

A K9 trained to work in civilian spaces cannot work in the bush because there are many scents. The K9 must be able to track the scent that it needs to track and not be distracted by other scents in the bush.¹⁶⁹ The dog handlers that participated in the study indicated that their K9's are trained over a span of 10 months to a year.¹⁷⁰ In this training the K9 is trained to be un-intimidated by animals and not make disturbance; how to lay low and how to bite.¹⁷¹ Introducing the dog to its handler varied as some K9's were introduced to the handler during the training and others after the dog had been trained. The golden rule in dog training is one dog, one handler and one training.¹⁷² The bond between a dog and its handler is very important. The dog handler is the only person who can understand the body language of its K9 and what it means.¹⁷³

The challenge with DH1 to DH5 training is that they are too short and do not speak to the work that a K9 must do during counter poaching operations.¹⁷⁴ Dogs also need to be trained on how to behave when being sent out with the use of a helicopter.¹⁷⁵ It is also important to note that a dog can be a dual purpose dog but for certain functions only.¹⁷⁶ A dog trained to be a tracker dog cannot be trained as an attacker dog.¹⁷⁷ This rule also applies to K9's doing detection of narcotics and explosives.¹⁷⁸

Horses are also used in counter poaching because of their ability to climb places which can be hard to access on foot. The specialized training for K9's in counter poaching is just as much needed for horses.¹⁸⁰ Horses also need to be not intimidated by wild animals bigger than them such as elephants.

- 160 Div Lamprecht and Li Lotriet, 8 July 2019. Chris Botha, Johan van Straten, Andy Davis, Ashwell Glasson, 16 May 2019. Mbongeni Tukela, 17 May 2019.
- 161 Gert Botha and Gert Du Plessis, 23 May 2019. Rodney Visser, 10 June 2019.
- 162 Gert Botha and Gert Du Plessis, 23 May 2019.
- 163 Ibid.
- 164 Chris Botha, Johan van Straten, Andrew Davies, Ashwell Glasson, 16 May 2019. Mbongeni Tukela, 17 May 2019.
- 165 Gert Botha and Gert Du Plessis, 23 May 2019.
- 166 Mbongeni Tukela, 17 May 2019.
- 167 Robbie Roberts, 19 July 2019.
- 168 Rachel Ndlebe, 12 August 2019.
- 169 Tim, JB and Adrian, 18 July 2019.
- 170 Robbie Roberts, 19 July 2019.
- 171 Gert Botha and Gert Du Plessis, 23 May 2019.
- 172 Ibid.
- 173 Robbie Roberts, 19 July 2019.
- 174 Gert Botha and Gert Du Plessis, 23 May 2019.
- 175 Ibid.
- 176 Robbie Roberts, 19 July 2019.
- 177 Gert Botha and Gert Du Plessis, 23 May 2019.
- 178 Robbie Roberts, 19 July 2019.
- 179 Ashwell Glasson, PSIRA validation workshop.
- 180 Ibid.
- 181 Gert Botha and Gert Du Plessis, 23 May 2019.
- 182 Chris Botha, Johan van Straten, Andrew Davies, Ashwell Glasson, 16 May 2019.
- 183 Div Lamprecht and Li Lotriet, 8 July 2019.

9.5.2 Working animal regulations

Having a K9 unit is not mandatory but is advisable when doing counter poaching. There are many dog training companies which are SASSETA accredited but are not regulated.¹⁸¹ The gazetted PSiRA regulations on working animals can correct this issue. During data collection, comments were made on these regulations highlighting their shortcomings. The first issue was that training of dogs has to happen within seven legislative Acts.¹⁸² In addition, some provinces require that dog owners have permits for their K9's. Without these permits, poaching cases can be thrown out of court.¹⁸³

Secondly, some of the proposed regulations are a repetition of existing practises in the industry.¹⁸⁴ An example of this is the proposed tag that will have the details of the dogs. The Passive Integrated Transponder (PIT Tag) is already in use for identification purposes for owners and dog breeders. The PIT Tag is much safer than the tag because no one can remove it as it is injected into the animal's skin.¹⁸⁵ This tag is scanned and has the details of the dog and of its owner.

Some of the participants also highlighted the proposed working hours as an issue as K9's can track for days. Dogs are not always used but when there is a need they are then used meaning that they get time to rest.¹⁸⁶ When out in the field only the necessities are brought for the counter poachers to survive. The provision of a kennel or stable when out in the field is in itself practically impossible.¹⁸⁷ Irrespective of this, working animals do need to be taken care off. One participant highlighted that the kennel and stable regulations were applicable because animals need a place to rest when not working.¹⁸⁸

9.6 Rendering security services under disguise

9.6.1 Gaining unlawfully

Fly-by-night anti-poaching companies operating under the disguise of non-profit organisations (NPO's) and non-governmental organisations (NGO's) were reported by most participants to be operating in the industry. These NPO's and NGO's start crowd funding accounts in an effort to provide security services in order to protect animals from being poached. Donors from all over the world then donate in an effort to ensure that these animals, some of which are close to extinction, are protected.

The challenge with these NPO's and NGO's is that they take any random, untrained, and unregistered person and equip them with a rifle and then send them out into the bush to provide counter poaching services. Secondly, these guards have no training or firearm competency, which in itself is unlawful for anyone to be assigned or be in possession of a gun with no license. The owners of these NPO's also exploit these guards by having them work more than the 208 hours as stipulated by Sectorial Determination 6. This is concerning as counter poaching requires a certain level of expertise and an ability to survive in the bush when supplies are finished. It is alleged that the money generated through donations is pocketed by the owners of these NPO's who benefit whilst exposing other people to grave danger and exploitation.

9.6.2 Sever Exploitation

Some of the private game reserves and sanctuaries have guards protecting animals however; these guards are also not registered with the Authority. When called by the researcher to meet with them in relation to the study they stated that they did not have anti-poaching units working for them. This may be the case however, the provision of a security service needs to be accounted for to the Authority. A security service as per the PSiR Act, 2001 is the protection or safeguarding of a person or property in manner.¹⁸⁹ These guards working in these aforementioned places are also not registered with PSiRA. The most important aspect of this phenomenon is whether or not these guards are trained in any manner on animal behaviour.

In June, a security guard was trampled to death by an elephant in Phalaborwa.¹⁹⁰ Although the death of the security guard was not in a game reserve it sheds light on the importance of having a trained person with knowledge on animal behaviour. One of the private game

Dogs are not always used but when there is a need they are then used meaning that they get time to rest.¹

184 Robbie Roberts, 19 July 2019.

185 Ibid.

186 Div Lamprecht and Li Lotriet, 8 July 2019.

187 Tim, JB and Adrian, 18 July 2019.

188 Robbie Roberts, 19 July 2019.

189 PSiRA Act, 2001.

190 Maphanga, C., 2019. Security guard killed by elephant at mine in Phalaborwa, Limpopo, News24, Available at <https://www.news24.com/SouthAfrica/News/security-guard-killed-by-elephant-at-mine-in-phalaborwa-limpopo-20190608> accessed 15 July 2019.

191 Rodney Visser, 10 June 2019.

192 Frances Craig and Sonia, 5 July 2019.

One training centre highlighted that it does become hard to train women not because they are not capable of the doing the job but because it becomes hard to make sleeping arrangements for them out in the bushes.

reserves that was visited during data collection train security guards that man the gates of the reserve on how to handle animals and what to do when in danger of being attacked.¹⁹¹

9.6.3 Seeking the African experience

In order to save money on security costs some private game reserve owners allow foreign internationals to offer counter poaching services on their game reserves. It was also reported that international foreigners come into South Africa using holiday visas in order to work as anti-poachers in some game reserves.¹⁹² These foreigners seek the outdoor anti-poaching experience but this has a danger attached to it.

They come into the country and go work in the bush, they offer counter poaching services without notifying the Authority and carry paintball guns that look like firearms.¹⁹³ Some of these foreigners are reported to come into the country and use their own firearms as well to offer security services.¹⁹⁴ How this is possible is a cause for concern. The Firearms Control Act, 2001 does not make provision for firearms to be brought into the country for rendering security services either by offering training or through protection of persons or property. The only explanation for this phenomenon would be that false reasons are used when applying for permits. Other game farm owners give their firearms to their guests to use for rendering a security services.¹⁹⁵ The firearms may be registered but the biggest concern is who would be to blame if an offence was to be committed with that firearm.

Section 23(1) (a) of the PSiR Act, 2001 states that only South African citizens or persons who have a permanent resident status may be registered as security service providers.¹⁹⁶ In relation to the Firearms Control Act, 2001 there is no need to be in possession of a permit to own a paintball gun. However, there are provisions in the Firearms Control Act, 2001 that treat the use and ownership of airguns in the same manner as firearms and these include causing bodily injury to any person or cause damage to property of any person by negligently using a firearm.¹⁹⁷ Section 2(a) of The Dangerous Weapons Act 2013 act 15 of 2013 (Dangerous Weapons Act, 2013) states that a person may be in possession of dangerous weapon when in pursuit of any lawful employment, duty or activity.¹⁹⁸ Lawful employment, duty or activity would be disclosure to the Authority of security services being carried out by these individuals.

9.7 Transformation in the industry

Transformation in the counter poaching industry exists to a certain degree. Some security owners reported to have women working in their companies.¹⁹⁹ Training centres also reported to have women train in their centres to become counter poachers.²⁰⁰ One anti-poaching unit called the Black Mambas has gained international recognition as being the first all-female anti-poaching unit.

One training centre highlighted that it does become hard to train women not because they are not capable of the doing the job, but because it becomes hard to make sleeping arrangements for them out in the bushes. The trainees all sleep together outside during training in order for them to get used to the environment. With only one tap to bathe in, it becomes hard to accommodate women. When training women, sleeping arrangements outside the training range needs to be made for these women and for them to be transported every morning to the training site. The aim is to have everyone treated in the same manner but it sometimes does not happen. None of the anti-poaching companies that took part in the study were owned by women, Africans, Indians or Coloured people. One of the participants highlighted that this was a huge problem in the industry and that African people must be trained to become owners of counter poaching companies.²⁰¹ There are only two companies that provide K9 services that were owned by a female and an African man respectively.

9.8 To register or not to register?

Environmental asset protection involves many Acts that overlay each other and there is a need to distinguish where the powers of the custodians of these Acts end. Environmental asset protection, which is the protection of flora and fauna, involves the use of anti-poaching or counter poaching tactics by environmental management inspectors (EMI). These tactics are paramilitary in nature and include the use of firearms, tactical training and gadgets. Section 20 of the PSiR Act provides an exemption to PSiRA Regulations to any security service

193 Div Lamprecht and Li Lotriet, 8 July 2019.

194 Anonymous respondent.

195 Ibid.

196 PSiR Act, 2001.

197 Firearms Control Act, 2001.

198 Dangerous Weapons Act, 2013.

199 Abri, 11 June 2019. Dwain Strydom, 24 July 2019.

200 Zayne Barkas and Vincent Barkas, 19 February 2019.

201 Ibid.

provider established in terms of Section 199 of the Constitution which include the Defense Force, SAPS and Intelligence Services. A security service as per the definitions of the PSiR Act, 2001 includes:

“(a) protecting or safeguarding a person or property in any manner; (b) giving advice on the protection or safeguarding of a person or property, on any other type of security service as defined in this section, or on the use of security equipment; (c) providing a reactive or response service in connection with the safeguarding of a person or property in any manner;

(d) providing a service aimed at ensuring order and safety on the premises used for sporting, recreational, entertainment or similar purposes;”²⁰²

EMI's are authorised to enforce the law with powers given to them by the NEMBA Act, 2004; The National Environmental Management: Protected Areas Act No. 57 of 2003 (NEMPAA, 2003); and The National Environmental Management Act No. 107 of 1998 (NEMA, 1998). EMI's are required to do grade 5 Environmental Management training in order to become game rangers and enforce the previously mentioned Acts. Training is accredited with CATHSSETA and is offered by the SAWC.²⁰³ Moreover, game rangers have powers that far exceed those of a security officer such as the power to arrest in terms of Chapter 2 of the Criminal Procedure Act 51 OF 1977 and the powers to do crime scene management and undertake criminal investigations.²⁰⁴

It cannot be denied that the work of a game ranger is no longer about looking out for the welfare of animals but also has a security service aspect to it. The DEA highlighted that it does not consider game rangers as security service providers firstly because the anti-poaching services of game rangers form part of their job description. The primary job of a game ranger is conservation and the protection of the animals through counter poaching tactics is secondary.²⁰⁵

Secondly, the PSiR Act, 2001 is not applicable to them as they do not offer private security services as per the title of the Act instead they offer conservation services.²⁰⁶ In terms of the compliance and sector monitoring, the DEA reports to the Deputy Director General (DDG) with the SAPS investigating any criminal offence committed by EMI's.²⁰⁷

When a group of game rangers are designated to do patrols whether during the day or night with the intent to ensure that poaching does not occur, it is considered a security service as it entails protecting or safeguarding of property.

It was highlighted that animals in national game farms are *res nullius* which means that they had no owner and belonged to no one and therefore could not be deemed as property.²⁰⁸ However, restricted activities as stated in the NEMA Act, 1998 could not be performed towards the animals unless a permit was issued.

9.9 PSiRA as the regulator

9.9.1 PSiRA inspections

Anti-poaching as a security service is currently not inspected by PSiRA inspectors as it is not included in the categories of inspections done by the Authorities inspections.²⁰⁹ In game reserves inspections would be done on guards manning the gates and not on those working inside the reserve. Taking into consideration that most of the companies offering anti-poaching services are registered as normal guarding companies, companies that were inspected had normal business inspections done. This is also because there are no complaints reported.

Another key issue highlighted relates to the broadness of the PSiRA definition of a security service. Anti-poaching is viewed as an environmental issue therefore should ideally be regulated by the DEA, hence the uncertainty of whether this regulation should lie with DEA of PSiRA.²¹⁰ There is a need to establish and distinguish the powers and functions of both entities in terms of the Acts of which they are custodians.²¹¹ Inspecting counter poachers should not be different to the normal PSiRA inspections which include checking if the registration and

It was highlighted that animals in national game farms are *res nullius* which means that they had no owner and belonged to no one and therefore could not be deemed as property.

202 PSiR Act, 2001.

203 Mbongeni Tukela, 17 May 2019.

204 Frances Craige and Sonia, 5 July 2019.

205 Ibid.

206 Ibid.

207 Ibid.

208 Ibid.

209 Peter Mafologela, 7 August 2019.

210 Ibid.

211 Ibid.

212 Marius, 13 August 2019.

213 Gert Botha and Gert Du Plessis, 23 May 2019.

There are issues of human rights where anti-poaching operatives hit and kill people when working in concessions outside the country.

training requirements are met; checking of firearms; inspections of performing animals in terms of the PAPA Act, 2016 and the SPCA Act, 1993; paying the correct remuneration in terms of Sectorial Determination 6 and having the appropriate business documentation.²¹²

9.9.2 Meeting each other halfway

In line with every growing entity, PSiRA has made great strides as a regulator with PSiRA certification reported to be an essential requirement in some African countries for security vacancies.²¹³ However, there is still much that needs to be done to ensure compliance within the industry. Participants in the Northern part of KwaZulu-Natal found it hard to renew and register with the Authority with KZN offices being only in Durban. Security companies had to let their staff take 3 days just to go renew their registration certificates which they sometimes ended up not doing because it cost them time.²¹⁴ Counter poaching companies want to be compliant but require PSiRA to meet them halfway and be visible. One in-house company reported that they had not had a PSiRA inspection but registered with the Authority two years ago.

9.9.3 Export of private security services

Poaching is not only an issue in South Africa but other African countries are subject to this problem. There are South African security companies employed to render counter poaching services outside the borders of the country. Some of these companies were approached only for the owners found to be out of the country and PSiRA registered.

It cannot be assumed that all of these companies operating outside the country are PSiRA registered as the conduct of some of these companies violate the human rights of civilians in the countries in which they operate. It is important to train people in terms of the Criminal Procedure Act.²¹⁵ It is alleged that there are issues of human rights where anti-poaching operatives hit and kill people when working in concessions outside the country.²¹⁶ In terms of section 39 of the PSiR Act, 2001 an offence committed in terms of the Act by a service provider that is registered or unregistered is considered to have been committed in Republic.²¹⁷

9.10 Counter attacking green militarisation

Green militarisation may be an effective method to counter poaching but it has a downside to it as it may result in loss of life either of the poacher, the counter poacher or the animals that are being poached. There is always a probability of killing someone whose intention is not to poach but to gather fire wood or for them to just walk through the reserve so that they do not have to walk a long distance.²¹⁸ Using firearms is justifiable but there is always the possibility of harming an innocent person therefore making the job harder.²¹⁹ When a poacher from within the community is killed it may result in a revolt by the whole community as they feel that one of their own has been wronged.²²⁰ This phenomenon is highlighted in section 8.3 of this report which highlights the effects of green militarisation.

Poaching is an economic activity whereby those 'controlling' it are always trying to create a new economy.²²¹ In all likelihood this phenomenon will not stop anytime soon although other non-aggressive methods are being used in the industry to combat it. These include inclusive anti-poaching initiatives and anti-poaching units.

School children are brought into these game reserves and taught about the animals, a practice viewed as the best way of spreading and sharing information and knowledge on poaching amongst families, decision makers, and communities at large.²²²

10. RECOMMENDATIONS

10.1 New grading and specialization of counter poaching

Counter poaching refers to the protection of high valued assets which should be treated as a specialised field in the poaching industry and not as normal guarding.

214 Hendricks, 26 July 2019.

215 Andrew Lumbe, 17 May 2019.

216 Anonymous Respondent.

217 PSiR Act, 2001.

218 Zayne Barkas and Vincent Barkas, 19 February 2019. Marius, 13 August 2019.

219 Tim, JB and Adrian, 18 July 2019.

220 Ibid.

221 Gert Botha and Gert Du Plessis, 23 May 2019.

222 Mbongeni Tukela, 17 May 2019.

223 Mbongeni Tukela, 17 May 2019.

As stated in the findings, some of the aspects of the PSiRA grading are applicable but do not cover all the aspects of counter poaching, particularly the environmental aspect.

In addition to ensuring that there is growth in environmental protection, PSiRA should establish the proposed grading with different rankings that most of the participants mentioned. People must be categorized according to what they do and be paid according to what they do.²²³ This grading system will professionalise the industry allowing for growth through the hierarchy of the grading system. The grading system may include the following ranks:

- patrollers at the bottom tier
- anti-poaching ranger be the tier above
- section commander or supervisor, and
- managers and the directors on the last tier

10.2 The need for inspections and accessibility

From the data gathered anti-poaching or counter poaching as a security service category is neglected and needs to be regulated. Inspections should not only be done on security guards doing access control but also on those working inside the reserves. Inspections need to check whether additional training on animal behaviour and level 3 first aid training is given to all the counter poachers. Inspections are necessary as K9's, horses and gadgets which the Authority regulates are being used.

The Authority needs to be accessible to its clients for new and renewal of registrations. This can be achieved through setting up of satellite offices in some areas where transport to go to PSiRA offices is scarce.

10.3 Transformation in the industry

One of PSiRA's legislative mandates is to encourage ownership and control of security businesses by persons who are historically disadvantaged. Counter poaching involves many aspects such as the use of K9's and horses. From the validation workshop it was highlighted that there has been a significant increase in the use of horses for anti-poaching in National Game Parks, private game reserves and in game parks in Africa. This is because they have the ability to climb places that are hard for people to reach. It was also highlighted that the equine industry is growing in the country and with unemployment so high, there is a need to capitalise on this.

Participants highlighted that the best people for such a job is people who grew up in rural areas because they grew up riding horses and are not afraid of them. People in rural areas can also breed and train dogs. For the Authority to realize transformation in the industry, these people need to be encouraged and equipped with knowledge to own businesses. This can be done by having these men and woman trained and be SASSETA and CATHSSETA accredited as dog and horse handlers and counter poaching K9's and equine service providers. Once accredited they can train K9s and horses for counter poaching units and also be hired by these companies to provide them with K9's and horses when there is a need. A partnership between SASSETA and PSiRA on a skills development program can ensure that the idea materialises.

10.4 Training

In professionalising the counter poaching space it was highlighted that PSiRA must not make the entry requirements too high. Literacy must not become a barrier in the sector as many of the people are illiterate.²²⁴ Making entry too hard will eventually lead to people possessing tracking skills not working. Counter poaching trainees need to be assessed on what they understand and can do.²²⁶ With suggestions to make the training more practical and less theory based.²²⁷

There is need for PSiRA to engage with the industry, the DEA, SASSETA and CATHSSETA in coming up with a unified curriculum or training material that will be a minimum training standard. PSiRA training is very generic and does not address what the anti-poachers are

The best people
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because
they possess
the skill of
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to be a scarce
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that is fading

224 Max Baloyi, PSiRA validation workshop.

226 Max Baloyi, PSiRA validation workshop.

227 Abri, PSiRA validation workshop.

228 Mbongeni Tukela, 17 May 2019.

A curriculum on K9 and horse counter poaching training needs to be created for those who wish to become dog or horse trainers.

doing.²²⁸ With PSiRA also looking into establishing training centres, minimum standards for accreditation of training centres also needs to be established. It was further highlighted during the validation workshop that training must be more practical and have less theory.

Training should include firearms training of high calibre guns, crime scene preservation, tracking, animal behaviour and lessons on legislation around anti-poaching focusing on the use of firearms. Customer service must also be part of the curriculum for training security guards. Basic ecology training, general understanding of hydrology and animal behaviour must be included in the training. Animals roam freely around reserves and can attack them thus the need to be equipped with skills and knowledge for their own protection.

The counter poaching training also needs to be internationally accredited. As previously stated poaching is an issue that exists in Africa and other international countries. The PSiRA training unit needs to establish if there is an organization within the United Nations (UN) or African Union (AU) which provides international accreditation for counter poaching training. There are opportunities to work in other African and international countries as counter poachers.²²⁹ PSiRA can establish a working relationship with international NGO's such as African Parks and other African countries that can recognise the PSiRA and SASSETA accredited counter poaching training.

In doing so it will enable South Africans to work in other African countries and not be confined only to South Africa. To achieve this, a suggestion is made for a framework that will align PSiRA and SASSETA counter poaching training with internationally recognized bodies and law enforcement of international countries in order to achieve accreditation and recognition internationally. The framework can also include the use of high calibre .

10.5 Firearms and uniforms

Since poachers use high calibre firearms, counter poachers must be armed with firearms with such high calibres. Similar to CIT, counter poachers must be exempted from the new firearms regulations and must be allowed to use high calibre firearms. However, these firearms need to be monitored and used for the sole purpose of providing anti-poaching services and not for guarding or farm protection. Some participants highlighted the frustrations of getting their applications approved from the Central Firearms Registry. It was suggested that the Authority assist by having motivation letters to give weight to the application of the counter poachers.

The issue surrounding the use of uniforms needs to be addressed as some SAPS members give permission to security service providers to use uniform and insignia that resembles that of the police. Members of the SAPS need to be educated on section 5 (a) of the Heraldry Act, 1962 and what it says on the use of the SAPS uniform, badges and insignia.

10.6 Export of private security services

The recommendations of the study titled *"The guarding security sector in South Africa"* by Gichanga, make reference to the PSiRA Amendment Bill, 2012 in relation to the exportation of private security services which must be implemented by the Authority. Persons who recruit, train, hire out, send or deploy security personnel to perform security services outside the Republic must supply the Director with information regarding such deployment and adhere to the provisions of the Act.²³⁰

10.7 Working animals

A curriculum on K9 and horse counter poaching training needs to be created for those who wish to become dog or horse trainers. The Authority must play an active role in assisting trainers to submit their applications to own rhino horns and ivory for smell detection training. This can be achieved providing the applicants with a letter of motivation to be handed to the DEA to strengthen their applications.

²²⁹ Major Thomas J Fleetwood, PSiRA validation workshop.

²³⁰ Gichanga, M., n.d. *The guarding security sector in South Africa* (unpublished report).

10.8 Gadgets

As stated in section 8.6 of this report, there is a need to re-look at the definition of security equipment as some of the gadgets such as drones used in counter poaching are security equipment. These security equipment need to be regulated in line with the PSiR Act, 2001. The Authority needs to set a minimum standard of equipment to be used by counter poachers such as a waterproof tent, level 2 or 3 medical first aid kit, water and food supplies for counter poachers to carry when working out in the bushes.

10.9 To regulate or not to regulate

The Authority and the DEA need to establish and clarify their powers and functions. Currently, security equipment such as CCTV which is regulated by PSiRA is used for counter poaching at national game reserves. Game rangers are not exempted in section 199 of the Constitution, 1996 and should be considered as private security service providers. There is however, a need to have discussions and find a way forward on the legislation that have enabled them to function independently.

10.10 Registering of security officers working in NGO's and NPO's

NGO's and NPO's rendering a security service either through providing the services of K9's or counter poachers to game reserves must have their K9's and counter poachers registered with the Authority. There is a need to know the people providing security services in the industry and who their employers are.

10.11 Strengthening the SAPS, PSiRA and stakeholders working relationship

It must be emphasised that no foreigner is allowed to offer security services in South Africa, unless registered with PSiRA. Individuals who enter the country under the disguise of being tourists and bringing their own firearms need to be dealt with accordingly. Before granting tourists firearm permits it must be established if such a tourist has a permit to hunt. Secondly, follow up must be done to check if the tourist is really in the country to hunt. The industry must be aware of the grave security breach these tourists commit and should report such matters to the Authority at all times.

There are many aspects to anti-poaching as it involves specialised training of anti-poachers, specialised K9 training, the use of gadgets and the use of high calibre firearms.





11. CONCLUSION

The protection of flora and fauna is mostly dependent on the services offered by anti-poachers. Anti-poaching is a growing industry not only in South Africa but also in the rest of Africa. There are many aspects to anti-poaching as it involves specialised training of anti-poachers, specialised K9 training, the use of gadgets and the use of high calibre firearms. The use of these specialised services is due to the dangers associated with anti-poaching with poachers “hunting” anti-poachers in order to poach the animals that they want to poach. Unfortunately in such a dangerous space there are companies that disregard the safety and security of their anti-poachers and deploy people who are untrained into the bush. Some companies were reported to only provide a firearm without providing them with supplies to survive in the bush.

A dire need for PSiRA or SASSETA accredited anti-poaching training and to specialise anti-poaching has been expressed since there is currently none in place. Further, it was recommended that a separate grading system for anti-poachers be considered as it would create a platform for growth in the industry and those working in the field.

A framework that aligns the PSiRA and SASSETA training standards with international organisations and countries in order to ensure that South Africans can work in any part of the world was also recommended. This would ensure that South African companies who work outside the borders of South Africa adhere to human rights requirements of countries where they operate. There is a need for PSiRA to strengthen its relations with other countries to ensure that South African security companies comply with the regulation of the exportation of security services once the regulation has been enforced.

The anti-poaching sector should to be transformed and be more inclusive of previously disadvantaged persons who still do not have access or ownership of anti-poaching businesses. There is a need to encourage entry of previously disadvantaged persons into the anti-poaching sector. There are opportunities for ownership of K9 and equine companies in the anti-poaching space as these working animals play a vital role in the provision of anti-poaching services.

Inspection of the anti-poaching space is a critical area that is currently not being undertaken as per the mandate of PSiRA.

This is as a result of uncertainty regarding who the most relevant body to regulate the space should be between the DEA or PSiRA as poaching is regarded as an environmental issue. It further also recommended that the custodians of the different legislations that currently exist should engage to clarify powers and functions of each other and to strengthen their working relationships in order to ensure compliance within the industry.





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