

CHAPTER 8

SUMMARY, CONCLUSION AND RECOMMENDATIONS

8.1 INTRODUCTION

During the course of this research project, an attempt has been made to empirically and scientifically examine and evaluate the illegal reptile trade phenomenon in the Western Cape province. In so doing, the researcher has endeavoured to provide the reader with a coherent, tenable and comprehensive exposition thereof, facilitating the understanding, visualisation and conceptualisation of this form of deviance, and perhaps most importantly, the placing thereof in criminological perspective. The illegal reptile trade quandary has, furthermore, been utilised as a conduit to develop a template for the establishment of an unambiguous, germane and viable conservation crime category as well as an integrated theoretical explanation of the illegal reptile exploitation phenomenon as a vanguard to an innovative and unified conservation criminology.

Such a directed field is envisaged, to not only promote focussed intervention with regard to this particular impasse, but also, it is submitted, the wider conservation crime milieu, recognising and ultimately elevating the status of this criminological cabal from parochial pariah to principle priority. Conservation criminology is, therefore, argued to be an instrument used in a multi-disciplinary approach in order to appreciate as well as mitigate humankind's indiscretions against the natural environment. It is, moreover, passionately contended that conservation crime, whether reptile related or otherwise, is no longer an issue of private or ethical interest, but a criminal matter that needs to be dealt with/managed similarly to other forms of serious and heinous crimes prevalent in South African society today.

8.2 SUMMARY OF FINDINGS

Throughout this thesis three intrinsic themes have essentially been addressed, namely the importance of comprehensively investigating and elucidating all germane facets of the illegal trade in reptiles, the identification and development of a viable conservation crime category as a vanguard to a

tenable conservation criminological field, and the development of an integrated theoretical explanation that will adequately explicate the aetiology of reptile related deviance. By focussing on these themes a chronological, lucid and holistic rendition has been provided, exposing the fundamentals that underpin herpetological crime and deviance as well as those factors/variables that serve to endorse and perpetuate it. Conservation crime/criminology, it is submitted, is founded on the argument that environmental perturbation needs to be understood and addressed within the sphere of criminology, and that only through structured and focussed integration of theory with practical intervention will the natural resource caricature be eliminated, realising effective crime suppression and resource destiny management.

Empirical data collected and presented throughout this thesis have unequivocally shown, it is submitted, that herpetological crime and deviance can be ascribed to a combination of diverse factors working in concert with each other. Ambiguous, pontificated and essentially specious natural resource [conservation] crime categorisation, serious conservation agency compliance/policing inadequacies, legislative and co-ordination polarisation, a paucity of explanatory models, and a host of tangential compliance issues are but some of the more prominent themes that present within the foregoing colloquium.

Throughout the thesis it has been emphasised that deficient compliance management/policing capacity, compounded by amorphous and divergent legislation, as well as other relevant peripheral issues, and the conservation of natural resources are interdependent and indivisible. These elements are intrinsic to the success of managing reptile related crime, and indeed, it is submitted, numerous other forms of conservation deviance.

To best embroider on these issues and adequately encapsulate the central thrust of each relevant section of this thesis a detailed chronological summary is presented below.

8.2.1 CONSERVATION CRIME CATEGORISATION

The initial phase of this study was directed at the development and delineation of a viable, parsimonious and mutually exclusive crime category that would effectively encapsulate the essence of conservation crime and criminality by unravelling and coalescing current dichotomies and, it is submitted, chiefly spurious doggerel historically associated with the study of natural resource crime and deviance. Existing (conventional) crime categories were assessed and those terminologies purporting to represent and embrace natural resource crime issues evaluated. Existing crime categories were not only found to be inadequate in terms of effectively incorporating the natural resource crime remit, but also in many cases found to be lacking and far from mutually exclusive themselves.

Contemporary natural resource crime semantics/terminologies were, furthermore, evaluated and found to be punctuated with inadequacies and ambiguities, undermining, it is submitted, the formation, until now, of an unbiased conservation crime category as a vanguard to an appropriately captioned and innovative conservation criminology, depriving it, as it were, of its own unique identity and, therefore, impeding focussed intervention/mitigation efforts in the natural resource demesne. Having effectively delineated the parameters and ambit of the conservation crime/criminological field, and after conducting a critical evaluation of an existing natural resource diagram/configuration the chapter was concluded with the drafting of a unique, non-esoteric and virtually mutually exclusive schematic that effectively captures the quintessence of conservation crime/criminology and is capable of embracing most, if not all, forms of conservation related deviance.

8.2.2 REPTILES AS CRIME TARGETS

In order to sensitise and orientate the reader to the resource in question and, furthermore, to engender an understanding of the complexities and

interactions relating to the illegal reptile trade dilemma this chapter has endeavoured to provide a succinct yet systematic and comprehensive overview of this particular form of (illegal) natural resource manipulation by, amongst others, emphasising the ecological and biological attributes of the relevant species, whilst simultaneously illustrating their attractiveness, vulnerability, and accessibility as targets for criminal exploitation. Spatial and distribution characteristics are also addressed in the above context, and the issue of resource guardianship (or lack thereof) additionally raised. A dominant theme emerging from this chapter is that reptile resources in the Western Cape province are highly specialised and unique, for the most part populating localised and spatially remote habitats, attributes that make them especially conservation worthy, but contrariwise also attributes that regrettably make them extremely vulnerable to exploitation impropriety.

From this relatively condensed evaluation, it can clearly be deduced that the reptile resource is an integral part of the larger, mainly ubiquitous terrestrial, ecosystem. Reptiles are, apart from being interdependent and reliant on each other, also inextricably linked to the health and well being of the entire terrestrial/aquatic biome so crucial to human-kind's existence and perpetuation. Injudicious exploitation of this natural resource portends serious repercussions for, *inter-alia*, ecosystem equilibrium/homeostasis and functioning and subsequently the present and future viability of the natural resource itself.

8.2.3 MODUS OPERANDI AND CRIME SCENES

Developed in this chapter is a herpetological brigand typology (quintessentially, an offender matrix) detailing the miscellany of acquisition, conveyance and dissemination mechanisms employed in the herpetological crime realm. Identified exploiter categories include, incidental exploiters (*ad hoc* fortuitous and/or intentional harvesting), subsistence exploitation (harvesting for victuals and/or resale purposes), and intentional exploiters

(premeditated and cozen exploitation by reptile traders/collectors/dealers and miscellaneous exploiter chicanery).

The interface of these techniques and reptile ecology and characteristics with crime scene determination and *visa versa*, are, furthermore, evaluated and their intrinsic and embedded nexus exposed. Ineffective regulation, monitoring and compliance management capacity strongly emerges as the key limitation impeding effective herpetological resource management, highlighting the gross under-commitment of those charged with bio-diversity conservation/preservation in this sphere. In order to facilitate an understanding of the associations and interrelatedness of the various variables identified, the chapter is concluded with a flow diagram depicting the crime scene/*modus operandi* interface within what has been established to be a largely incessant crime scene environment.

8.2.4 MOTIVATIONAL AND CONTRIBUTORY DYNAMICS PERTAINING TO HERPETOLOGICAL CRIME

Motivational and contributory dynamics were strategically addressed and chronicled in this chapter within the framework of Cohen and Felson's Routine Activities Theory, so as to not only present its contents in a lucid and structured manner, but also to lay the foundation for the development of a theoretical explanation for the illegal reptile trade quandary proper. This, essentially three tiered theory, which basically explains situations of crime rather than being an explanatory theory per se, identifies the confluence and interaction of three components, *viz.* motivated offenders, suitable targets and the absence of capable guardians, as increasing the likelihood that crime will transpire.

A surfeit of motivated offenders were, due to the following stimuli presenting within the herpetological crime arena, identified as falling inside this first tier: pecuniary attraction, popularity of reptiles as pets, poverty/economic considerations, and cultural factors.

Falling within the suitable target and, therefore, second tier of Cohen and Felson's theory were those organism characteristics and attributes exposing, amongst others, their secular value, availability and attractiveness, fastidiously detailed in chapter three. With regard to tier three – the absence of capable guardians, or perhaps more accurately, guardian mechanisms, the following were regarded as prudent: fragmented, confusing and conflicting conservation legislation, inconsistent conservation sanctions, and, the almost without exception, omnipresent perfunctory policing/guardianship (compliance management) of the state/parastatal entities charged with the preservation of the public's natural resource assets.

Noticeably crystallising out of this chapter is the fact that opportunities to commit herpetological crime, and by implication therefore, other forms of conservation, as well as conventional crime, have never been greater. Transformation/transition within the South African society, although essential for nation building and many other obvious reasons, coupled with an extensive period of economic uncertainty have, it is submitted, allowed herpetological crime and deviance to burgeon. Herpetological crime motivations are, furthermore, revealed to be intrinsically interconnected, inclined towards exogenic rather than endogenic motivational and contributory considerations. Greed, in one or other form does, notwithstanding this submission, however, appear to be present in most of the considerations mentioned above.

8.2.5 THEORETICAL EXPLANATION

Based on the salient features of herpetological crime and deviance identified in the preceding chapters of this thesis, this monograph was prepared with the intention of developing an integrated, authentic and plausible justification for the existence and persistence of this particular (conservation) crime phenomenon. Seminal ideologies, such as the classical, positivist, neoclassical and conflict schools of thought, through which criminological dogma has historically evolved, were concisely examined as a precursor to

the creation and formulation of said integrated theoretical explanation. Although adversative in many respects, historical criminological doctrine remains the very cornerstone of the post-modern theoretical perspectives utilised by criminological scholars to explain and rationalise crime and criminality to this very day. Abundantly evident from this preface is the fact that there is no “new” criminology, but rather a criminology that is constantly transforming within historical antecedents, continuing as it were, ideas developed through the centuries.

The theoretical explanation produced for herpetological crime was, rather than force and/or manipulate any one particular perspective or theory into explaining something it actually cannot, constructed from existing theories by assimilating their relevant elements into an integrated model capable of adequately and logically explaining the phenomenon at hand. The archetype developed draws sequentially on germane elements from Gottfredson and Hirschi’s General Theory of Crime, Bandura’s Social Learning Theory, Sykes and Matza’s Neutralisation Theory, and Cornish and Clarke’s Rational Choice Perspective.

The theoretical explanation, with its emphasis on pragmatism, chiefly argues that voracity is an inherent human trait, present from birth. Through parenting adroitness (or the lack thereof) the ability to manage this attribute, essentially self-control, is inculcated within individuals to varying degrees during adolescence. The manifestation of stronger or weaker self-control in concert with stimuli such as opportunities to commit crime will, therefore, consistent with the central thrust of the General Theory of Crime perspective, predispose an individual to have an increased propensity to commit crime.

These attributes are, however, felt to be inadequate for crime as unique as herpetological crime, as a rule, to result. A catalyst is, therefore, considered a pre-requisite - a catalyst which is found in the form of the negative stereotype *vis-à-vis* reptiles entrenched by society to varying degrees - a concept consistent with the principles of socialisation as proposed by, Bandura in his Socialisation Theory.

The general societal tendency to marginalize and even trivialise that to which they are prejudiced, results in many young people growing up with a biased comprehension of the significance and conservation worthiness of reptiles. The manifestation of such prejudiced value systems, subsequently, make it easier to neutralise and rationalise crime pertaining these “despicable” organisms and consequently, therefore, endorse, as it were, the participation therein. It is thus ardently contended that an integral propinquity exists between socialisation and neutralisation in the context of herpetological crime and deviance.

Neutralisation of the harm being done to the herpetological resources manipulated during criminal activities in this sphere is argued to be an important mechanism employed by herpetological criminals when participating in herpetological crime. This argument is substantiated/corroborated to a large degree by the fact that many herpetologically orientated criminals smuggle and indifferently persecute extremely valuable and fragile organisms without any regard for their welfare whatsoever.

The final stage in the sequence of herpetological crime is contended to be the cogent decision, based essentially on cost (risk) – benefit considerations, taken by the herpetological criminal to actually go-ahead and participate in the crime proper. This decision is by no means a forced one, but rather one founded on a lucid evaluation of the opportunities and alternatives of the envisaged action/s, and in all probability one fuelled and/or facilitated by the neutralisations detailed elsewhere in this section. This rationality is also submitted to be uniquely individualised behaviour emanating from the degree to which all the other contributory factors sketched previously are manifested within the particular individual, and not something that can be gauged by comparing it to that of another individual.

In finalising the summary of this section, it must be underscored that by merging relevant elements from diverse existing theories a manifesto with a decidedly complementary classical – positivist flavour is introduced into the explanatory colloquium, corroborating earlier submissions that diametrically

opposing ideological assumptions can be equally credible in explaining analogous crime phenomena. The explanation developed is thus indicative of the fact that fused approaches are credible and applicable in terms of crime explication.

8.2.6 INCIDENCE, EFFECT AND IMPLICATIONS

This section details the policing endeavours of the most prominent entities involved in natural resource policing, namely Customs and Excise, Endangered Species Protection Unit, certain NGO'S (non-governmental organisations), South African National Parks, and the Western Cape Nature Conservation Board, under the headings, structure and brief, policing/law enforcement capacity, reactive policing statistics, mutual aid, co-operation and co-ordination and pro-active initiatives.

Through this exposition the veil is essentially lifted on what generally purports to be an adequately regulated and monitored sector. The ineffectiveness of those institutions to which the custodianship of the preservation and perpetuation of our natural herpetological heritage is entrusted is showcased, and the dearth of prosecutions and related compliance activities exposed as prominent hurdles encumbering effective and sustainable herpetological resource management – very much a case of, if you can't measure it you can't manage it. Contumacious attitudes by many natural resource stewards towards enquiries directed at garnering compliance management data compound an already serious state of affairs and portend the enormous challenges faced in the compliance management arena.

Such an ostensibly subservient approach to herpetological contravention by the primary guardians and guarantors of reptile biodiversity and the application of *ad hoc* compliance management initiatives are not conducive to the adequate protection/conservation of the herpetological resource and, therefore, also not adequate to ensure reptile resource sustainability, deter individuals from participation in herpetological deviance, provide incentives for

self-regulation and/or voluntary adherence to the rule of law, and in the final analysis promote the goals advocated by provincial and national conservation legislation, and most importantly, the Constitution.

The effect and implications of herpetological crime and its integral nexus with illegal reptile exploitation activities are, furthermore, analysed in terms of ecological and biodiversity consequences, as well as crime diversification and/or intensification issues. The ecological and biodiversity ramifications identified include the reduction and/or loss of extant species, the persecution and maltreatment of exploited corporeal organisms, the transmission of pathogens to other organisms and/or humans, and the devastating effect of the imprudent introduction of exotic organisms into the natural environment, as well as the reintroduction and/or release of captive reptiles into same. Crime diversification resulting from the participation in herpetological deviance is also shown to be a predisposing factor in luring such deviants into other sundry, perhaps more lucrative, criminal pursuits as they become exposed to diverse criminal elements during their illegal reptile wheeling and dealing activities.

Crime intensification, it is, furthermore mooted, can transpire due to criminals wanting to amplify the returns their reptile impropriety realises. Being exposed to the wealth of relatively risk free opportunities in the herpetological crime demesne, criminals may well turn to the manipulation of analogous species and/or increase the scale of their operations tenfold in order to optimise returns. Affiliation with criminal syndicates during such intensification is also quite probable – motivations for such liaisons including, amongst others, the exposure to diverse and amplified markets, ease of collection and dissemination, safety in numbers (protection), and of course ultimately the possibility of increased fiscal rewards.

Notwithstanding the aforementioned, it is implicit throughout this synopsis that acceptable and sustained levels of compliance and containment can only be achieved by the co-ordinated and concerted intervention by those official/government entities charged with the maintenance and administration

of South Africa's natural resources as custodians and, therefore, guarantors, of our living heritage. Only by the application of particularly effective and innovative policing techniques in partnership with diverse local, national and international stake holders will it be possible to mitigate this phenomenon to the extent that resource destiny can be regained and managed for its perpetuation. For the authorities to rest on their laurels and soft-pedal compliance initiatives at this critical juncture and/or to be complacent, in essence means that they are reneging their responsibilities and endorsing the fact that many rare and endangered species will shortly breach the threshold of their sustainability, and in all probability disappear from our shores forever.

8.3 CONCLUSION

An innovative and authentic *conservation criminology* is introduced and developed in this thesis through a predominantly exploratory analysis of the illegal reptile trade quandary in the Western Cape province. The herpetological crime dilemma is essentially utilised as a conduit to develop a matrix, demarcating the protocols, and espousing the genesis of an unambiguous, germane and tenable conservation crime category as a precursor to a pioneering and formally recognised conservation criminological imperative with its own unique identity.

A sound argument is presented for the use of the criminological discipline as a vehicle to appreciate as well as mitigate humankind's indiscretions towards herpetological resources. Conservation crime, it is argued, should be categorised within its own remit as an adjunct of the mainstream criminological field and managed similarly to other forms of serious crime in society. It should no longer be viewed as an issue of private and ethical interest solely, an undertone that is unambiguously hinted at throughout the research project. This argument should, furthermore, facilitate the reassessment of conservation crime's status in the context of crime hierarchy, as well as traditional notions about what qualifies as serious crime and what does not.

Conservation crime/criminology, it is submitted, is founded on the contention that natural resource perturbation needs to be comprehended and managed within the sphere of criminology, and that a post-modern criminology relevant to the next century should have the intellectual breadth and constitutional space to embrace conservation and social issues holistically as related projects.

In developing a plausible theoretical explanation for the existence and persistence of herpetological crime and deviance, an integrated manifesto is drafted, incorporating the beneficial elements of certain relevant theoretical perspectives from across the classical/neoclassical – positivistic continuum. Conservation criminology, it is contended, is dependent not only on an acute awareness and understanding of what initiates/triggers illegal exploitation, but also on an appreciation of the implications this form of deviance can have on the natural and social environment as well as the intricacies and dynamics involved therein.

Conservation criminology and its development is, therefore, seen to be a crucial and significant contributor in enriching South African contemporary criminology, broadening its frontiers and stimulating interest and further research into this field of study.

8.4 RECOMMENDATIONS

Having identified certain fundamental limitations/challenges within the herpetological conservation compliance demesne impeding the effective suppression and mitigation of herpetological crime and deviance as well as the holistic conservation management of this natural resource, it is felt incumbent on the researcher to provide certain remedial proposals, which are by no means to be considered exhaustive, to address these chiefly existentialistic issues.

Through the application of these initiatives, either singularly or in permutation, it is envisaged that the mitigation/suppression of herpetological crime and deviance, as an integral component of the conservation crime imperative developed in this thesis, will allow the conservation of herpetological resources in the Western Cape province, and as a spin-off also elsewhere, to be brought to fruition. The recommendations outlined (in no particular hierarchical order) in the subsequent section are, for the purposes of focussing intervention strategies and initiatives, compartmentalised and directed at those prominent crime variables identified in earlier sections detailing the motivational and contributory factors pertaining to herpetological crime/deviance, as well as those causative elements around which the integrated explanatory theory was developed.

8.4.1 AMALGAMATION OF CONSERVATION AGENCIES INTO ONE UNIFIED BODY

Although perhaps somewhat of a pipe dream, the consolidation and alignment of all dedicated conservation agencies into a single integrated conservation minded and goal orientated body, can be regarded as nothing other than the utopia that has long been sought in conservation circles, and the answer to many of the challenges faced in especially the conservation compliance sphere. Amongst others, the merging of human resource capacity, pooling of financial, administrative and operational resources, rationalisation of structures, standardisation of legislation/policy, and the eradication of duplication in all spheres will facilitate resolute management and, therefore, allow many, if not most, problems experienced by individual organisations to be more than adequately addressed, whilst indisputably promoting conservation efficiency on all fronts. Standardisation and alignment of procedures, command and control systems, work methodology, uniforms, to name but a few, could realise phenomenal savings, the bulk of which could be ploughed straight back into conservation related issues.

Such a unified and rationalised body would, however, require some serious paradigm shifts and policy redirection, and, should not, despite the magnitude and potential complexities of such an operation, it is submitted, be unnecessarily criticised or abandoned until the feasibility thereof has been extensively debated and researched.

8.4.2 DEVELOPMENT/EXPANSION OF ORGANISATIONAL COMPLIANCE MANAGEMENT AND SUPPORT CAPACITY

The development of organisational compliance management and support capacity is addressed here in the context of elevating the current level of natural resource guardianship in the Western Cape province, subsequently promoting deterrence (in all its forms) in this sphere of conservation crime, and also by implication, thereby minimising many opportunities to criminally assault/traumatise herpetological resources. It also follows logically that if resource guardianship and deterrence is amplified, and crime opportunities curtailed, that the potential for herpetologically orientated criminals to intensify the scope of their operations and/or diversify their criminal pursuits would to a large extent be neutralised/suppressed.

Although very little, it is submitted, can be done to address the trait of greed intrinsically present within human beings, to regulate/monitor parenting adroitness effectively throughout society, and/or to suppress the desirability and/or value of the specialised reptile resources in the Western Cape province per se, challenges such as guardianship and, deterrence enhancement, opportunity reduction and even the promotion of affirmative societal socialisation towards reptiles can, to a greater or lesser extent, it is submitted, be more than adequately met. Organisational capacity (human resource and fiscal) can undoubtedly be seen as the most fundamental shortcoming promoting herpetological crime and deviance in the Western Cape province. Capacity inadequacies are not only to be found in the dedicated operational conservation compliance, scientific, logistical and support services milieu, but are also glaringly present within those

organisations and entities entrusted with augmenting conservation compliance efficacy through effective service delivery in the performance of their own particular line function/s, e.g. Department of Environment Affairs and Development Planning (provincial), South African Police Service, Customs and Excise, and so forth.

It has unequivocally been established in this thesis that deficient operational compliance management capacity (guardianship) in all exploitation spheres, allows valuable and vulnerable reptile species, that are, in many cases, due to specialised habitat requirements severely spatially restricted, inhabiting only certain isolated and/or remote locales, to be targeted and exploited/manipulated with impunity. Natural resource policing throughout the Western Cape Province by the very entities entrusted with this task is severely lacking, and in many cases not present in any identifiable form whatsoever. The responsible provincial conservation entity does not even possess the functionary capacity to undertake regular inspections of reptiles in captivity, let alone police the bucolic and/or urban/suburban domain and undertake any other deterrence and/or diverse or innovative compliance initiatives.

This incompetence is compounded by a gravely understaffed, and what would certainly appear to be, demotivated, underrated and trite administrative component, that is additionally largely unskilled and insensate to operational and practical conservation issues. Bearing in mind that effective enforcement and compliance can be regarded as the cornerstone of any management initiative directed at natural resource protection, the situation within the Western Cape province can be regarded as ominous to say the least. Given the degree to which the situation has been allowed to degenerate, it is deemed sagacious that the accountable conservation agency in the Western Cape province, namely the Western Cape Nature Conservation Board, devise mechanisms so as to be able to simultaneously intervene at all levels of the illegal reptile exploitation continuum, and in the process also address many other forms of conservation crime that are no doubt being neglected due to the selfsame capacity inadequacies. Token gestures such as the undertaking

of periodical and *ad hoc* enforcement initiatives that are often handed to this organisation on a platter by other authorities should be forsaken for dedicated and focussed actions by a strategically dispersed and adequately trained and focussed human resource compliance management and regulatory component.

A key concept underscoring the recommendation detailed above is the fact that effective deterrence depends not only on the severity of punishment, but also on a perceived high risk of detection – potential offenders will not be deterred, it is submitted, if they realise that they are unlikely to be apprehended. It is common knowledge that empty threats rapidly lose their credibility. Notwithstanding the afore-mentioned, the expansion of compliance/policing capacity is by no means to be seen as a placebo; it is merely considered to be the foundation for the generation of many different mitigation/suppression strategies aimed at combating reptile retrogression in the Western Cape province.

8.4.3 CONSOLIDATION AND RATIONALISATION OF CONSERVATION LEGISLATION

The above-mentioned recommendation regarding compliance capacity development/expansion will of course be largely ineffectual if implemented in isolation and without the support of unambiguous (simplified), consolidated, realistic, and perhaps most importantly, standardised legislative and policy framework. The surfeit of divergent, confusing and capricious conservation legislation currently contained in the statute books is, not only undermining deterrence and creating opportunities for reptile impropriety, but is attracting, albeit somewhat clandestinely, it is submitted, criminal elements into this burgeoning sphere of relatively risk free illegal activity.

Amorphous natural resource legislation needs to be consolidated as a matter of extreme urgency; given the time consuming nature and delays such bureaucratic amendments/modifications can be expected to embrace.

Integral to such a legislative amalgamation and alignment will, however, be the presence of the political will to support such an initiative, and of course the identification of a champion to drive the process. The consolidation of conservation legislation under one (national) Act, similar to that of the National Road Traffic Act, 1996 [Act 93 of 1996], which consolidated all the various provincial traffic Ordinances, is envisaged here. A champion should, furthermore, be sought and identified through engaging in dialogue with all the relevant role players. The entity chosen to drive, mediate and facilitate this process should, however, preferably be one possessing an overarching environmental responsibility, such as the National Department of Environmental Affairs and Tourism (DEAT), and all aspects of the uniquely South African society, for example, custom and tradition, should be taken into consideration.

With regard to herpetological conservation policy development and alignment, the wheel need by no means be reinvented. Guidance could be sought from those countries, which, according to Baard (2003), possess established and proven herpetological policy models such as Namibia, the USA, and Australia. Lessons could, furthermore, be learned from those countries possessing policies, which do not adequately serve the reptile conservation cause, such as certain African (Mozambique, Kenya, Tanzania, etc) and Asian (Kazakhstan, Uzbekistan, etc) countries (Baard 2003).

8.4.4 ORGANISATIONAL CO-OPERATION, CO-ORDINATION AND CAPACITY BUILDING

Even though an expanded provincial compliance management capacity should present as a formidable crime deterrent within the conservation crime sphere, co-operation and co-ordination with other enforcement agencies is considered crucial if a sustained and holistic outcome is to be aspired for. Where capacity deficiencies in the context of organism identification, handling, or even surveillance/prosecution techniques are identified within support organisations, the provincial conservation agency, as the lead and

accountable agency, should endeavour to capacitate and continually recapacitate supporting organisations, thereby securing buy-in for conservation initiatives and neutralising, where possible, misconceptions regarding the policing of an “unconventional” resource such as reptiles.

The assistance of miscellaneous conservation oriented and capacitated bodies, such as certain of the larger local authorities, could also be solicited, and they could perhaps even be persuaded to take over certain of the more routine conservation policing activities within their area of jurisdiction on an agency basis for the provincial conservation authority. It is ironic that, although little interaction takes place between the provincial and local government spheres regarding conservation issues in the Western Cape province, South Africa’s Constitution explicitly makes provision for, and even compels, such co-operative and interactive governance. Adherence to such prescriptions is unfortunately not visibly enforced in any identifiable way, thereby tacitly condoning and perpetuating such non-compliance between the three spheres of government and in the final analysis negatively impacting on conservation performance in the Western Cape province, and in all probability also nationally.

The implementation of such initiatives should, however, realise continuous and sustained enforcement activities in localised areas and allow the Western Cape Nature Conservation Board to concentrate on building capacity in the, perhaps more specialised, compliance focus areas. Reliance on an honorary ranger system solely utilising volunteers (often tendered as a staff augmentation argument and as a quick-fix to human resource problems) is, due to the inherent management and command and control problems that have historically plagued such programmes, best left until control of reptile resource destiny has been firmly established. It could thereafter, cautiously be rolled out as part of a public-private partnership initiative/community involvement project, should the need still exist.

8.4.5 PUBLIC EDUCATION/AWARENESS AND REPTILE MARKETING CAMPAIGNS

Although the above four recommendations are chiefly directed at eliminating crime opportunities and increasing resource guardianship (deterrence), this particular recommendation is aimed more at reducing/mitigating the negative societal stereotype regarding reptiles so prominent amongst the general public to this very day. Increased compliance management capacity and the activities that will necessarily emanate from this expansion should not be implemented in isolation, but rather in parallel with an extensive and ongoing programme to educate and sensitise the public towards the importance and finiteness of the reptile resource.

Although it would be naïve to expect that public sentiment regarding the reprehensibility of reptiles will change overnight, such initiatives could, it is submitted, definitely make the public more aware of the precarious position in which the reptile resource currently finds itself, and positively influence their frame of mind so as to allow them to appreciate that herpetological crime in all forms is decidedly iniquitous. Such orientation and sensitising canvassing, as well as public lobbying for the preservation of herpetological resources in general, could quite feasibly result in society channelling their disapproval into this sphere, even though it might not permanently change their personal sentiments regarding reptile affinity. School education and awareness programmes could, furthermore, go far to mitigating already inculcated negative stereotypes and value systems regarding reptiles and promote the formation of a future society in which the negative reptile stereotype is only present to an inconsequential degree. The development of such an educational, awareness and marketing capacity through the appointment of dedicated and motivated educators and trainers should, therefore, be developed within the provincial authority to coincide with the increased policing capacity and envisaged actions. Reliance should, for obvious reasons, not be made on existing and spatially restricted staff charged with reserve management, policing and/or administrative functions.

Compliance managers ought, however, also to be in a position to promote reptile and general conservation issues in the course of their generic policing functions and should, therefore, be recruited with this ability and/or potential in mind. Notwithstanding the above-mentioned, it is considered crucial to the success of any compliance intervention programme/initiative that the crime prevention strategies that are rolled out do not give the impression of being draconian, prejudiced, and/or symptomatic of bureaucratic virtuosity in any way. An understanding for the intervention techniques must be inculcated amongst the public and their rationalisations effectively communicated to all societal levels so as to inhibit suspicion, rumour mongering and/or talk of hidden agendas *etcetera*, and promote, if anything, the building of relationships and trust between the authorities and the communities. Educational/awareness programmes should also focus on these issues and the extensive use of the mass and local media for this purpose is strongly advocated.

8.4.6 THE ADMINISTRATION OF JUSTICE – JUDICIAL SYSTEM

It is common knowledge, as well as implicit throughout this thesis, that there exists a nominal knowledge within the judiciary about conservation related criminality, herpetologically orientated or otherwise. Resultantly generic prosecutions regarding reptiles, if and when initiated, are not afforded a high priority, often even trivialised. The seriousness of the case is subsequently undermined, resulting in insufficiently prepared prosecutors, uninformed presiding officers, and of course, inconsistent, and more often than not, extremely insignificant sentences. To alleviate these problems, and to address the administration of conservation related justice in general; serious consideration should be given to the establishment of a specialised conservation crimes court in the Western Cape province staffed by personnel adequately trained, educated and *au fait* with the miscellany of conservation related issues (not merely abalone and rock lobster cases) they can be expected to be confronted with. If those contemplating herpetological, or conservation crime in general for that matter, know or believe that there is a

good chance that they will be apprehended and punished swiftly and severely, the involvement in reptile, and by implication, conservation crime ought to subsequently become proportionally less attractive and, therefore, such deviance can be expected to reduce dramatically. The effectiveness and celerity of the administration of conservation related justice can, therefore, be seen as being integrally connected to promoting deterrence and must, therefore, be factored into the compliance management equation from the very beginning in order to ensure that the herpetological crime and deviance phenomenon is addressed in a sustained and holistic manner.

8.5 SUGGESTIONS FOR FURTHER RESEARCH

- **Herpetological crime investigation in other South African provinces**

Although the Western Cape province is regarded as the centre of endemism, and for this reason a province supporting a vast array of highly specialised and sought after endemic and indigenous reptile species, other provinces have, for differing reasons, equally attractive and valuable herpetological resources. It would, therefore, be prudent to investigate the extent of reptile related deviance in these locales in order to compare and draw cross-border parallels with regard to this phenomenon.

- **Development of theoretical explanations for diverse forms of conservation crime.**

Having developed and depicted a crime explanatory perspective for herpetological deviance, it would indeed be interesting to determine to what extent the proposed model/explanation can be applied to the explanation of diverse forms of conservation criminality. Emerging from such an evaluation, fresh or more innovative theoretical explanations could be developed, for not only herpetological crime, but all forms of conservation deviance, ultimately delimiting the parameters of

conservation aetiology issues and essentially identifying commonalities that could promote focussed and strategic intervention in the entire conservation crime realm.