



# Preventing wildlife offences helps keep communities safe

An introduction to restorative justice for community leaders

## What is restorative justice?

Restorative justice aims to repair the harm caused by crime as far as possible. It provides an opportunity for victims of crime, offenders, and communities, to talk to each other about the impacts of a criminal offence and explore possible ways to address the harm caused. A facilitator guides parties through the process and makes sure that it is fair, that the law is followed, and that the rights of all parties are respected. As will be shown, restorative justice is a promising approach to help us address wildlife offences more effectively.

## What is a wildlife offence?

A wildlife offence can be described as any prohibited or unauthorised activity taken in respect of any legally protected species, part or whole.

The most common wildlife offences are the illegal killing or harvesting of species (commonly referred to as poaching) and the illegal possession, transport, and trade of legally protected species.

If found guilty, offenders can be fined up to R10 million, sentenced to up to ten years in prison, or both.

## Wildlife offences harm people and wildlife

The 'victim' of an offence is an individual or group of people who has suffered harm. In the case of a wildlife offence, this could be a private landowner or a ranger, or a group of people or an entity such as a protected area or reserve, a representative of a reserve, a group of rangers or the section ranger on behalf of the rangers, or even a community who has been affected by wildlife offences.



**ENDANGERED  
WILDLIFE TRUST**  
Protecting forever, together.



## Impacts of wildlife offences

- All crime reduces community safety.
- Financial and personal costs are high.
- The lives and safety of rangers are at risk if they confront armed poachers.
- Wildlife offences are sometimes linked to livestock theft, drug trafficking, illegal weapons and other serious crimes.
- When offenders cut reserve fences, wild animals can move into neighbouring land and damage crops, kill livestock or possibly spread diseases.
- Victims of crime often experience trauma, which can affect their health and well-being for a long time.

## Community leaders can play an important role in helping to reduce this type of crime

In South Africa, people found guilty of crime usually receive prison sentences and/or fines. Some victims may feel that justice is served in this way, but the harm caused to the victim(s) of an offence is not repaired. The focus on punishment does not usually address the factors that lead people to commit crimes in the first place, and many offenders commit additional crimes after serving their sentences.

Restorative justice aims to address these challenges, and whilst not a new approach, it has been implemented by communities throughout the world since the earliest times. Furthermore, restorative justice approaches are carried out in courts run by some Traditional Authorities in rural areas in South Africa.

### Benefits of restorative justice

Restorative justice is a powerful process that:



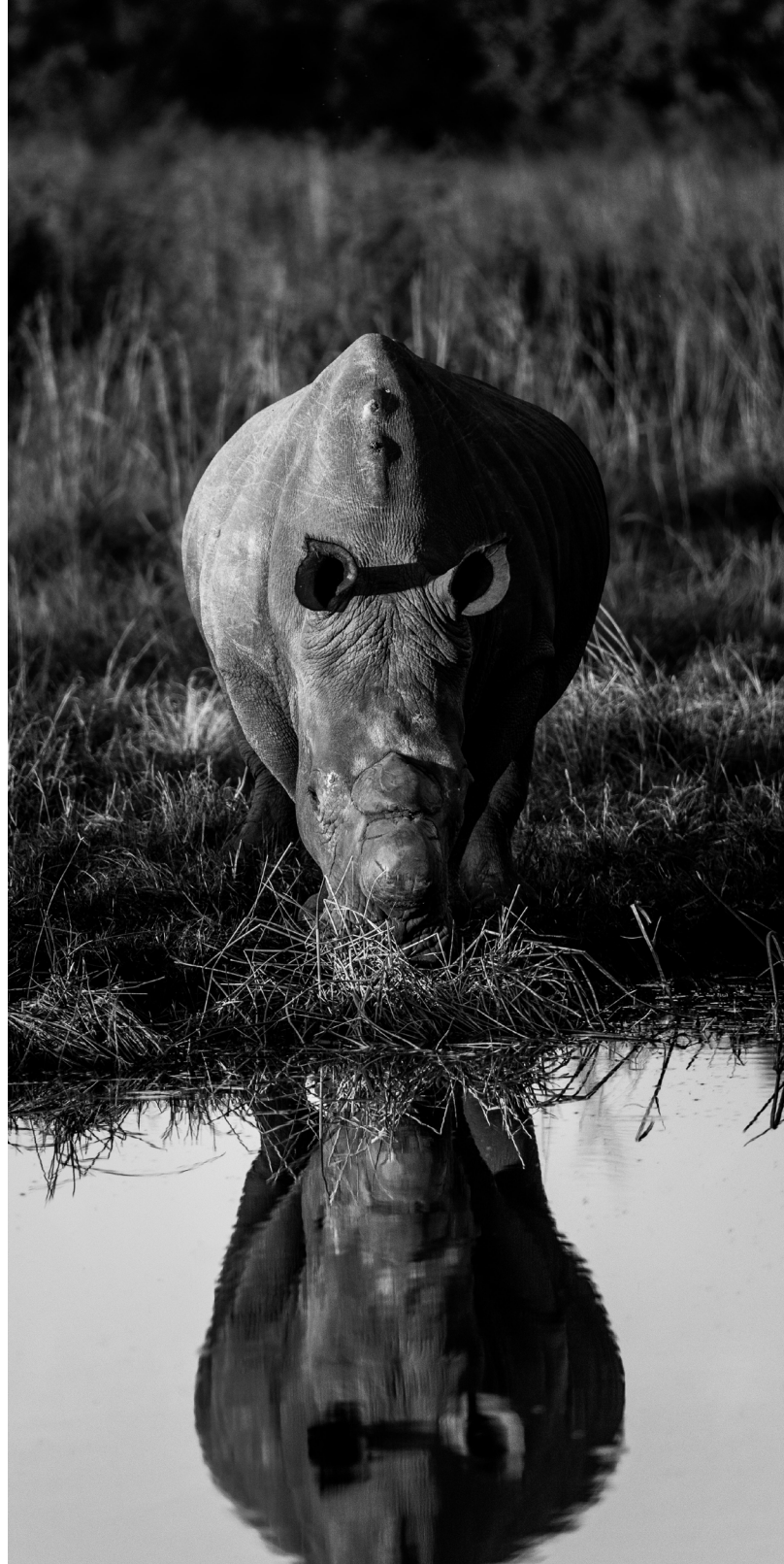
holds offenders accountable for their offences

repairs the harm caused to the victim(s) as far as possible



can help offenders turn their lives around and avoid carrying out additional crimes in the future.

**Through this, restorative justice can contribute to community safety and security.**



### It is important to understand that:

- Not all cases are suited to restorative justice.
- Participation is voluntary and no one should be pressured to participate.
- All parties must fully understand their rights and possible legal consequences of participation.
- All parties have the right to obtain legal advice during the process.
- Restorative justice is not a 'soft option'
- Restorative justice is often carried out alongside conventional court processes, and prison sentences, fines, or house arrest may still apply.

# How does a restorative justice process work?

When a case is referred to a restorative justice process, a facilitator will be appointed. The facilitator will approach the victim(s), introduce them to the restorative justice concept, and invite them to participate. If they agree to participate, only then will the facilitator approach the offender. The parties must understand what restorative justice is, the process, their rights and responsibilities, possible outcomes, and other details so that they can make informed decisions about participation.

If both parties agree to participate, the restorative justice process begins. The process can be divided into four phases: **1 Preparation; 2 Meetings; 3 Formal agreement; and 4 Post-agreement and follow up.** A more detailed description of the restorative justice process is provided in the accompanying booklet entitled, 'The restorative justice process - what can I expect?'

## Phase 1 Preparation

**All parties must receive thorough preparation.**

The facilitator holds separate meetings with the victims and offenders and explains how meetings will be conducted, the rights, roles, and responsibilities of each party, and possible outcomes of the process. The legal aspects of the case will be explained again, including the right to legal advice and potential legal constraints if the restorative justice process does not succeed.

Parties can ask questions at any stage. During the preparation phase, each person must understand the process and their legal rights, amongst other aspects of the restorative justice process.



## Phase 2 Meetings

**The facilitator will explain their role to parties, let them know how the meetings will be structured, and remind participants of their rights.**

The victim is then invited to explain the harm caused by the wildlife offence and ask the offender questions. The offender then receives an opportunity to describe the circumstances leading up to the incident and the motivations for their participation. In addition to the harm caused to the victim, it is also important to explain the conservation impacts of wildlife offences, and how these affect all of us. Once all harms have been identified, the victim and offender together identify ways to make amends as far as possible.



## Phase 3 Formal agreement

**Terms should be drawn up and signed by the parties.**

The agreement is a formal document with clear steps describing the offence, harms caused, actions that the offender has agreed to, to repair the harm caused, and penalties applicable to the offender. It needs to include specific steps and timelines to avoid misunderstandings or other problems in the future. Parties may withdraw if they cannot reach an agreement, and the case can then be referred back to the criminal justice system.



## Phase 4 Post agreement and follow up

**Parties must ensure that they meet their obligations as specified in the agreement.**

The process is monitored to ensure that each party meets their responsibilities within the agreed timelines. If the offender does not meet the agreed terms, the case can be referred back to the courts.



**The process is voluntary, safe, fair, and transparent, and protects the legal rights and dignity of all parties.**

## Reducing future reoffending

Additional support is sometimes facilitated for offenders through the restorative justice process by linking them to programmes that offer social support, skills development, and other training. Crimes are sometimes linked to drug and substance abuse. For example, and if offenders do not overcome their addictions, they are likely to fall into the same patterns when they return home. Skills development sometimes helps offenders find work when they are released from prison, support their families, and reintegrate into communities.





## Contact details

To report a case for potential referral to restorative justice or for further information, please contact the Endangered Wildlife Trust at [rj@ewt.org.za](mailto:rj@ewt.org.za)

### Further reading and resources

**Preventing wildlife offences helps keep communities safe.** An introduction to restorative justice for community leaders.

**The restorative justice process - what can I expect?**  
Booklet and summary pamphlet available from [www.ewt.org.za](http://www.ewt.org.za)

### Resources used to inform this pamphlet

Department of Justice and Constitutional Development (2011). *Restorative justice, the road to healing*. Accessible at [www.justice.gov.za](http://www.justice.gov.za)

Frank, C and Skelton, A, 2007. Practice Standards for Restorative Justice: A Practitioner's Toolkit. Pretoria, Restorative Justice Initiative accessible at <http://restorativejustice.org/10fulltext/frankcheryl.pdf>



DISCLAIMER: The Khetha program is implemented by WWF South Africa, in partnership with the Endangered Wildlife Trust and USAID. This resource was made possible by the generous support of the American people through USAID. The contents are the responsibility of the Endangered Wildlife Trust and do not necessarily reflect the views of USAID or the United States Government.