

Africa Sustainable Conservation News

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Botswana – shoot-to-kill anti-poaching policy and summary executions



**Date: June 20, 2018 Author: somervillesustainableconservation 0 Comments
Patriot (Botswana)**

Killing poachers: good or bad policy?

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Game rangers in training capturing a poacher

There is no easy answer to this dilemma.

(1) while our ecosystems rely, in part, on the survival of wildlife species, is it worth the risk for villagers caught in the crossfire as anti-poaching unit aims to keep parks clear of poachers?

(2) Conversely, while there is an (unpleasant) argument in favour of trophy hunting (some claim the fee paid to kill one elephant, can pay for the conservation of many more), can we not also say that these beautiful animals are of more value while alive, as thousands of tourists are happy to pay to see them on game drives?

Illegal poaching in Africa poses serious threats to biodiversity, including the possible extinction of species. Poaching has driven a huge decline in Africa's savannah elephants with almost a third (30%) wiped out between 2007 and 2014, the first ever continent-wide survey of the species has found. Today illegal hunting accounts for the vast majority of rhinoceros deaths and poaching throughout the Asian and African continents is largely spurred by demand from wealthy individuals in Asian nations eager to show off their financial success. Apart from the poaching epidemic spreading geographically and into official structures, countries have implemented many issues on deal with poaching like recruitment and resource provision of rangers with sophisticated equipment. And educating the public on dwindling wildlife populations due to illegal trade and poaching. The incidence of poaching in Botswana has been on the increase, and this caused an eye sore on the Minister responsible for tourism.

Botswana is presently home to roughly a third of Africa's elephants and is a popular destination for tourists seeking the scenery of the ancient Kalahari Desert and the huge concentrations of wildlife in Chobe National Park. In the past Botswana has faced severe poaching problems and within the last several years has made significant investments in the protection of its wildlife, wildlife relocation to safer internal areas; translocation of wildlife from dangerous areas of South Africa by the Rhino Without Borders campaign; wildlife monitoring through governmental and non-governmental organizations; and support of its tourism industry.

In response to wildlife crime, some countries have declared a 'war on poaching'. The government of Botswana in 2013 announced that it had devised and implemented a controversial 'shoot-to-kill' policy, targeting suspected poachers. This unwritten policy was shrouded in secrecy and to date the source of its legality as well as the identity of the person who authorised it also remain a secret. However, what Tshekedi Khama described in the documentary sounds every bit like extrajudicial killing. The minister said even if suspected poachers surrendered, they will still be killed. Speaking about this policy and its specific application to foreign poachers, the minister categorically, stated: "That is a position we adopted to send a clear message to say, if you want to come and poach in Botswana, one of the possibilities is that you may not go back to your country alive." What is even more tragic is that parliament, which makes all laws in the country, has not raised substantive questions about this policy

It is documented that Over the past two decades, 30 Namibians and at least 22 Zimbabweans have been killed in Botswana anti-poaching operations – but Namibian community and rights' groups claim the figure could be much higher. They have urged Botswana to exercise restraint when dealing with poachers. Anti-poaching operations have also increased border tensions between Botswana and Namibia, amid claims that the BDF has violated Namibia's sovereignty. The tension is further boiled by the Sedudu/Kasikili dispute on which the disputed Caprivi Strip was awarded to Botswana by the world court. The Namibians are still reeling in shock and pain over this. They still believe it's theirs despite court ruling. So coming with such a decision without engaging your neighbor was premature. Irresponsible! And lack of diplomatic relations!. Besides Basubiya of Botswana are genetically related to the Basubiya found in the other side of the river!

Let me categorically state from my heart that I hate poachers! Yes in my vein poachers deserve death because of their cruelty to animals. But as a professional I have to think beyond my dislike. Poaching poses a serious threat to biodiversity, socio-economic conditions and national security – especially for countries that depend on tourism as a generator of revenue. Poaching continues to rise in many countries, despite the implementation of fines and prison terms, and governments are trying to find ways to curb this rise. The Botswana government considers poaching an act of war. Various scholars have justified the shoot to kill policy, and I quote one position adopted by scholars

"In Botswana, the 'shoot-to-kill' policy is arguably justified in terms of Section 4(2)(d) of the Constitution, which provides that a person shall not be regarded as having been deprived of his or her life in contravention of Section 4(1) of the Constitution if he or she dies in order to prevent the commission by that person of a criminal offence, or if he or

she dies as the result of a lawful act of war.” They argue that: “We believe that a ‘shoot-to-kill’ policy is the only anti-poaching method that clearly signals that wild animals deserve to live”.

Furtherance the report acknowledges that the ‘green militarisation’ policy has created tension in northern Botswana, where communities have to live amongst wildlife, but suggests that these tensions relate to poorly managed human-wildlife conflicts and rural communities’ belief that the government prioritises conservation over human welfare. This tension belies the effectiveness of the policy and proves that the policy is a means to an end and not the entire solution. As for natural resources believe instead of the shoot to kill policy the government should have engaged their Namibian counterparts on a more candid approach in resolving the issue! Some have argued that such a policy tramples on the rule of law which is an integral part of our country’s democracy. While I appreciate the important role played by wildlife in our tourism sector, I strongly advocate strongly against such an inhuman policy which violates human rights. It should be noted that my little understanding of our laws is that the reason being that there is no law in Botswana which entitles law enforcement agencies to shoot an individual to death. In fact my understanding of the law, is that what is provided for is that force can only be applied in defence of the person and his property provided that such force is reasonable in the circumstances. He said that even where a poacher is armed, if he is not using any force to repel any lawful arrest, it would be unlawful to open fire on him with the sole purpose of killing. Sad.

Many key ingredients should be considered when dealing with poaching incidents on the Chobe-Zambezi river system borders. Let’s understand this, that on the Botswana side it’s a National Park and on the Namibian side is a conservancy that allows for cropping and fishing. This is the problem. We share the river systems although Namibians can fish in our shows, and legal offtake elephants in their area during hunting season.

We share many bilateral cooperation models with the Namibians due to proximal influence and social cultural exchange. I salute the Masisi led government to revoke the policy because it will restore peace and order between Botswana and Namibia. Botswana and Namibia are part of the KAVANGO-ZAMBEZI TRANSFRONTIER CONSERVATION AREA (KAZA TFCA) of which issues of poaching are extensively dealt with among neighbouring countries. Botswana should not be excited by the use of guns on human beings, especially if they don’t show any threats.

◀ BDF ◀ BOTSWANA ◀ CAPRIVI STRIP ◀ CHOBE NATIONAL PARK ◀ KAZA
TFCA ◀ NAMIBIANS KILLED IN BOTSWANA ◀ SHOOT TO KILL ◀ SHOOTING SUSPECTED
POACHERS ◀ TSHEKEDI KHAMA



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