



## An Evaluation of Legislative Frameworks and Structures for Policing Stock Theft in South Africa

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### **Abstract**

South Africa has been plagued by rising incidences of stock theft for decades. However, it is now evolving and perpetrated by organised syndicates rather than only petty thieves, the continuous demands for livestock aid to the manifestation of this crime. Therefore, the objective of this study was to evaluate current legislative frameworks and available structures for policing stock theft in South African rural communities. This qualitative study adopted the non-empirical research design: Systematic review, supported by the evaluative research objective, while closely looking at recent South African reputable reports on this subject, restricted from 2000-2021 (Not in sequence) for data collections. The inductive Thematic Content Analysis (TCA) was employed for data analysis. The persistent nature of this problem poses serious threats to food security and livelihood development for the rural livestock farmers, as well as the commercial ones. It was clear that the legislative frameworks and structures for policing stock theft in South African rural communities are of the utmost importance to curb this crime. However, from a number of reported stock theft cases, the effectiveness of legislations and standing structures is highly questioned. Therefore, successful sustainable stock theft prevention strategies should consists of close and concerted partnership-based collaborations, interactions and information exchanges, based on enhancing legislative frameworks. This can offer additions, amendments, corrections, incorporating and re-drafting of 'new sections' of the existing Acts to improve their deterrent efforts.

**Keywords:** *Legislative Frameworks; Policing; Policy Evaluation; South Africa; Stock Theft; Structures*

### **1. Introduction and Problem Statement**

The first recorded stock theft case can be traced back to 1806. However, the rural livestock farmers were not concerned about stock theft then, as it rarely occurred and if it did occur, the effects were minimal, less priority was given and security geared towards this crime was less effective. The current structures intending to prevent, combat and investigate this crime efficiently should induct multi-

agency approach against this prevailing crime, as this approach should be maintained by all relevant Anti-Stock theft stakeholders at National, Provincial and communal levels to accomplish positive results.

Donkeys, Mules and Horses are used for transportation and farm cultivations/ploughing in most rural parts of South Africa. Owing to stock theft, these domesticated animals/livestock are no longer accessible, with few individuals still owning them, (Dzimba & Matooane 2005). Khumalo *et al.* (2008) (in Maluleke, 2014:11) enumerate the social and economic importance of livestock in South Africa, namely: *Lobola*, cultural purposes, sport and recreation, animal feed and aesthetic value. Negatively, stock theft is regarded as a National crisis across South Africa; the same applies to its bordering countries, Namibia, Lesotho, and Botswana. Dzimba and Matooane (2005) maintain that stock theft incites great chaos in Southern African region.

As a results, the Southern African Development Community (SADC) regarded this as a serious crime in 1999, during the Ministers meeting. It was then decided that this region should take immediate security-measures to re-address this elusive scourge, by developing adequate intelligence-led partnerships, characterised by information systems that can easily identify and track down livestock, amongst others (Dambe & Fombad, 2020). The stock theft challenge is touted to be a relentless, affecting food security, economy, as the South African livestock owners are reportedly making a living out of livestock farming practices instead (Bunei & Kariaga, 2016:2). However, related incidences of stock theft have been growing speedily, with alarming effects to the livestock owners' survival, Manganyi, Maluleke and Shandu (2018:1). According to Geldenhuys (2009), the local livestock owners not only experience massive monetary losses, they are often confronted by ruthlessness and brutality by stock thieves, who sometimes injure and slaughter livestock.

This practice is regarded as one of the most eminent problems encountered by livestock owners in South Africa. This problem is still faced by the rural livestock farmers; also affecting other farming community sectors; from the 'commercial farmer/industrial livestock farmers, to the stud breeder, to the non-industrial livestock farmers (I.e. The emerging farmers and rural farmers),' who only own few herds of livestock (Geldenhuys, 2009). Positively, this livestock farming practices can create employment and reduce poverty, to efficiently respond to the failing socio-economic conditions in South Africa. Maluleke (2014) supports that stock theft problem encroaches emerging farmers, with small number of herds and it is more frequent, than other kind of crimes in South Africa, including other property-related crimes. The South African's stock theft hotspots are cited to be Eastern Cape (EC) and KwaZulu-Natal (KZN), (Tom, 2021). Frequent reporting of this crime can possibly devastate livestock farming communities if not seriously tackled (Manganyi, Maluleke & Shandu, 2018). Furthermore, Wilk, Andersson, and Warburton (2013:276) posit that rural livestock farmers are also affected psychological/mental, and financial/economic losses, regardless of the fact that they often own livestock to support their families.

According to Doorewaard (2016:31), failures to effectively respond to this crime also increases concerns of mistrust and suspicion, causing livestock farmers to avoid reporting related incidences, resorting to vigilantism nor taking the law into their own hands. They recognise stock theft as the main cause of poverty and reduction of livestock herds size (Dzimba & Matooane, 2005). In response to the indicated social and economic importance of livestock in generally, escalating incidences of stock theft across South Africa, associated challenges of this crime and effects, this study's aims to evaluate legislative frameworks and structures for policing stock theft in South Africa. Cattle, Goats, Sheep and Donkeys are regarded as the most vulnerable ones, based on this study, calling for their preservation at all costs, as they are considered as wealth, treasure, investments and a standard way of living.

*To problematise this study*, George Herald (2018:8) states that this crime is multifaceted in nature and it is a current challenge across the world, South Africa included. This has prompted the local livestock farming communities to plead to the South African Police Service (SAPS) management to

consider it serious. Maluleke, Mokwena and Motsepa (2016:257) highlight that despite SAPS prioritisation of stock theft from 2011 in South Africa, this crime remains a worrying factor. As a result, number of strategies have been developed to prevent, combat and investigate stock theft in South Africa and on its immediate borders, with little success witnessed to-date. Therefore, policing stock theft seems to be neglected, equally, available local SAPS approaches, measures and strategies are ineffective, Maluleke (2014). Most surprisingly, the local SAPS officials are alleged to be colluding with stock thieves to commit stock theft and steal properties from farms (Donnermeyer, 2016:122). This negatively affects trust between the livestock farmers and the local SAPS officials, including the Department of Justice and Constitutional Development (DoJ & CD); as they are considered to be corrupt and ineffective in this regard. This result to vigilantism acts in an attempt to curb stock theft (Kynoch & Ulicki, 2000).

According to Ramalekana (2016:6), relevant acts pertaining to the policing of stock theft exists in South Africa, including; Section 205(3) of the Constitution of Republic of South Africa, 1996, SAPS Act (No. 68 of 1995), Criminal Procedure Act [CPA] (No. 51 of 1977); Stock Theft Act (No. 57 of 1959), Animal Identification Act (No. 40 of 2002), Age of animals at the time of marking (Regulation No. 11), Meat Safety Act (No.40 of 2000), Animal Welfare Act (No. of 1962), and Biodiversity Act (No. 10 of 2004). Moreover, the constitutional foundations that guided this study where the 'Constitution, 1996, CPA, 1977, Stock Theft Act, 1959, Animal Identification Act, 2002, Regulation No. 11 and Meat Safety Act, 2000.

These Acts were selected to closely look at the objectives of the police and processes of gathering evidence at stock theft scenes, to provides investigators and [From the SAPS Stock Theft Units - STUs], as well as the works of relevant Anti-Stock theft structures to police this crime with much ease, and to provide powers to collect related evidence to the commission of this crime as parts of their investigations and ensure potential stock thieves to be arrested and be taken to court to stand a possible trial, as the CPA, 1977 affirms, Department of Agriculture, Forestry, and Fisheries [DAFF] (2008). Furthermore, the Stock Theft Act, 1959 is implemented by the SAPS management to consolidate and amend existing laws relating to theft of stock and produce (DoJ & CD, 1959); and the Animal Identification Act, 2002 further compels livestock owners to have identification marks for their animals, provides for prescription of identification marks, applications for their registration, prohibited marking of animals and registration of marking operators (Lombard, Van den Heever & Jammer, 2018) and the 'Regulation No. 11' prescribes the ages of animals for marking purposes, whereas, the Meat Safety Act, 2000, prohibition of slaughter of animals at places other than abattoirs, and exemptions (Maluleke, 2016).

According to Maluleke (2014), the livestock recovery is very low across South African provinces, and the local immediate communities and livestock farmers are said to not trust the local SAPS and DoJ & CD (Kynoch & Ulicki, 2000). In addition, Donnermeyer (2016:122) states that the South African Criminal Justice System (CJS) is currently failing potential victims of stock theft, as the associated Three (03) components are presently unable to control this crime and the local livestock farmers are left frustrated when stock thieves appear in courts, to be latter released with low fines or suspended sentence, this fails to reflect the effects of this crime. George Herald (2018) reports that stock theft cases receive little attention and when stock theft perpetrators are apprehended; many of them are released the following day. The CJS inadequacy to successfully apprehend and prosecute these potential perpetrators does not seem to end with their possible arrest and prosecution.

## **2. Literature Review**

### **2.1 Selected Major Legislative Frameworks on Policing Stock Theft in South Africa**

The South African Constitution, 1996, CPA, 1977, Stock Theft Act, 1959, Animal Identification Act, 2002, Regulation No. 11 and Meat Safety Act, 2000 are some of relevant legislations pertaining to the

policing of stock theft in South Africa that were used as guidelines to this study, as presented and discussed in this section.

- **The Stock Theft Act (No. 57 of 1959)**

- **Section 2 - Failure to Give a Satisfactory Account of Possession of Stock or Produce:** Any person who is found in possession of stock or produce, without giving a reasonable suspicion that such livestock has been stolen and fails to give a satisfactory account of such possession, shall be guilty of an offence [Stock theft in this regards].
- **Section 3 - Absence of Reasonable Cause for Believing Stock or Produce Is Properly Acquired:** Any person who, in any manner, otherwise than at a public sale, acquires or receives into his or her possession, from any other person, stolen stock or stolen produce, without having reasonable cause for believing, at the time of such acquisition or receipt, that such stock or produce is the property of the person from whom he or she acquires or receives it, or that such person has been duly authorised by the owner thereof to deal with it, or dispose of it, shall be guilty of an offence. In the absence of evidence to the contrary, which raises a reasonable doubt, proof of possession, as contemplated in Sub-section 1), shall be sufficient evidence of the absence of reasonable cause.
- **Section 4 - Entering an Enclosed Land or Kraal, Shed, Stable or Other Walled Place with Intent to Steal Stock or Produce:** Any person who, in any manner, enters any land enclosed on all sides with a sufficient fence, or any kraal, shed, stable or other walled place, with intent to steal any stock or produce on such land, or in such kraal, shed, stable or other walled place, shall be guilty of an offence. When any person is charged with a contravention of Sub-section (1), the onus shall be upon on him/her to prove that he/she had no intention to steal any such stock or produce, unless he/she was found proceeding along any road or thoroughfare traversing such land.
- **Section 6 - Document of Identification to Be Furnished by Person Who Disposes of Stock:** Section 6 (1) Any person (including any auctioneer, agent or market who sells, barter, gives or in any other manner disposes of any stock to any other person shall at the time of delivery to such other person of the stock so sold, bartered, given or disposed of, furnish such other person with a document called a document of identification. Section 6 (3) states that any person to whom a document of identification has been furnished in terms of Sub-section (1), shall retain it in his possession for a period of at least one year.
- **Section 8 - Stock or Produce Driven, Conveyed or Transported on or Along Public Roads:** Section 8 (1) provides that no person may drive, convey or transport any stock or produce which he/she does not own on or along any public road unless he/she has in his/her possession a certificate (Removal certificate) issued to him/her by the owner of the stock or produce or the duly authorised agent of the owner.
- **Section 9 - Arrest-and-Search without Warrant:** Any person may, without a warrant, arrest any other person, upon reasonable suspicion that such other person has committed an offence mentioned in Section 2 or 4.
- **Section 14 - Jurisdiction of 'Magistrates Courts' in Respect of Sentence:** Notwithstanding anything to the contrary in any law, any magistrates' court may, in respect of an offence under this Act - **a)** Where the court is not a court of a regional division, impose a fine or imprisonment for a period not exceeding three years; or **b)** Where the court is a court of a regional division, impose a fine or imprisonment for a period not exceeding fifteen years.

- **Animal Identification Act (No.6 of 2002)**

- **Section 7: Duties of Owners:** All owners of cattle, sheep, goats, and pigs must register an identification mark at the office of the registrar of animal identification, while adhering to the following:
  - Each owner must mark his/her animals in the prescribed manner: All cattle, sheep, goats, and pigs of which the identification mark have become indistinct or invisible, must be re-identified in accordance with the legal provisions. Any owners of an animal with an identification mark on it, who wants to sell, barter, or give away the animal within 14 days after he/she became the owner of such animal, must provide the new owner with a document of identification. This means that within 14 days the animal can be disposed of without having been branded with the new owner's mark since it already has the previous owners mark on it and a document of identification has been issued. An owner of an animal who wants to sell, barter, or give away an animal, must mark the animal with his/her own mark before disposing of it.

The owner must also provide to the new owner a document of identification. The new owner must keep the document of identification for a period of one year. This means that after 14 days the animal cannot be disposed of without having been branded with the new owner's mark and a document of identification. The Animal Identification Act, 2002, reads with the 'Age of animals at the time of marking (Regulation 11),' which detail the following aspects:

- **Cattle:** Can be tattooed from the age of one month, must be marked by the age of Six (06) months, can be branded at the age of 06 months, and must be branded by the age of the pair of permanent incisors (Two-02-tooth stage).
- **Small Stock:** Must be tattooed at the age of one month.
- **Pigs:** Must be tattooed at the age of one month.
- **Ostriches:** Can be tattooed at the age of One (01) month and can be branded at the age of six months.
- **Equine:** Can be tattooed at the age of 06 months and can be branded by the age of Twelve (12) months.

- **The Meat Safety Act (No. 40 of 2000)**

- **Section 7 - Prohibition of slaughter of animals at places other than abattoirs, and exemptions:**
- **Section 7 (1)** Provides that no person may: **a)** Slaughter any animal at any place other than an abattoir; **b)** Permit the slaughter of any animal at any place under his or her control, unless the place is an abattoir; or **c)** Sell or provide meat for human and animal consumption, unless it has been slaughtered at an abattoir.
- **Sub-section 1)** Does not apply to slaughter for own consumption, or for cultural or religious purposes.
- **Section 7 (2)** Provides that no meat, or animal product, obtained from an animal slaughtered, as contemplated in paragraph **a)** May be sold to any person.

### 2.1.1 The Effectiveness of Current Legislations for Policing Stock Theft in South Africa

According to Doorewaard (2020:47), there is lack of legislation in sentencing stock thieves perpetrators who are found guilty of stock theft. The legislative frameworks geared towards policing stock theft should be urgently revisited to provide effective punishments, to serve as a massive deterrent



tool (Manganyi, Maluleke & Shandu, 2018). According to Maluleke and Dlamini (2019:141), legislation on stock theft should address the uncertainty surrounding relationships with neighbouring countries. Doorewaard (2020:295) further states South African current legislation needs to be amended to meet to international standards to expand partnership with neighbouring countries (I.e. Botswana, Lesotho and Mozambique) to fight the cross-border stock theft.

### **2.1.1.1 Stock Theft Act (No. 57 of 1959)**

According to Maluleke (2014:99), the Stock Theft Act, 1959 is responsible for regulating the movement of stock inside the provinces and the country. Section 8 of this Act regulates the-said movement of livestock by indicating that no person shall transport, convey, nor relocate any livestock, or produce, if such individual is not entitled to or not the rightful owners, at any public road, unless otherwise possess the rightful documentation “removal certificate” given by the owner/manager of the livestock. The study by Doorewaard (2020:270) confirms that authorised documents, such as the ‘removal certificate,’ in terms of Article 8 of Stock Theft Act, 1959 are effortlessly fabricated by criminals who are helped by corrupt law enforcement officers. Doorewaard (2020:222) also shares that Section 8 of this act controls the movement of livestock can be improved (I.e. The restriction of movement of livestock at night); and the new Article 8 document can be improved because the removal certificate is readily available and unregulated. Thus, a criminal can simply re-use this document (I.e. the Article 8 document) when needed.

Section 14 of this Act (1959) provides that “a court that is not a regional division may impose a fine or imprisonment for a period not exceeding three years. If a court is of a regional division, such a court may impose a fine or imprisonment not exceeding 15 years,” DoJ & CD (1959). Doorewaard (2020:47) contends that the South African High Court judge found this Act to be troublesome, as it does not permit the regional or district courts to impose sentences for stock theft above their usual sentencing jurisdiction. According to Lombard (2015:9), the Red Meat Producers Organisation (RPO) estimates that about 20% of stock theft thieves found to be guilty received a sentence of three to five years; lifelong sentences account for just 1% and sentences of more than 20 years contributes approximately 1.6%. The DoJ & CD (1959) confirms that perpetrators found guilty of committing stock theft in a districts court will be sentenced to a minimum of 06 months or a maximum of Three (03) years or may be fined. Cases of higher value will be referred to the regional court where maximum imprisonment of Fifteen (15) years can be imposed. In extreme cases, the case may be referred to the high court that has no limit on sentencing. Lombard (2015:9) suggests that factors, such as the number of livestock stolen, the related worth, determinations of any previous convictions and matters relating to livestock recovery or not, affect sentence length to be given.

### **2.1.1.2 Animal Identification Act (No. 6 of 2002)**

Doorewaard (2020:201) highlights that presently [2023]; there is no legislation in place to regulate the buying and selling of livestock or even in the regulation of trading and no institution is responsible for registering traders’ needs with. The only existing essential legislations are the Animal Identification Act, 2002 and the Stock Theft Act, 1959 regulating both ‘documentation and related processes, excluding registration processes, such as regulating trading of previously owned livestock. Maluleke (2014:41) highlights that the Animal Identification Act, 2002 prescribes that all livestock owners to properly mark their livestock, but this legislation is not currently harshly imposed. The livestock owners do not often report stock theft cases based on fear of fines being imposed to them, as their livestock are unmarked at times, further ignoring requirements of Section 7 of this Act (Clack, 2018).

Clack and Minnaar (2018) conclude that the livestock owners are also aware of the fact that it is problematic to prove ownership of unmarked/non-branded animals stolen and, therefore, the associated

difficulties in reclaiming their stolen livestock (I.e. If recovered by the SAPS officials). Maluleke, Tshabalala and Tolla (2021) reveal that the Knowledge Management (KM) should be shared based on proper implementations of relevant legislative frameworks in the combating, prevention and investigation of stock theft across South African rural communities, this should be undertaken as the first approach to re-address this crime across the country or selected provinces which contributes larger percentages of stock theft cases in South Africa (I.e. ES, Limpopo - LIM and KZN).

The KM should be accompanied by proper enforcements of the Stock theft Act, 1959, Animal Identification Act, 2002, Regulation No. 11 and Meat Safety Act, 2000, as some of the conventional methods [I.e. Brand-marking and tattooing] to efficiently respond to this crime, with the involvement of other relevant stakeholders to police this crime effectively. According to Maluleke and Mofokeng (2018), a legal, permanent mark is the farmer's responsibility and the first line of defence. Unmarked livestock mean that feedlots, producers, speculators, auctioneers, buyers, and abattoirs cannot tell whether an animal was stolen. Should that be the case that certain parties are contravening the law; they are at risk of prosecution in terms of the Stock Theft Act, 1959 and Animal Identification Act, 2002. Considerably, The Deputy Director-General (DDG) of the DAFF acknowledged that the Animal Identification Act, 2002; made provision for the compulsory marking of Cattle, Sheep, Pigs and Goats, and the maintenance of a register of identification marks.

Moreover, the Animal Identification Act, 2002 requires that all livestock should be marked appropriately. This legislation prescribes that animal or livestock (I.e. Pigs, Cattle/Cows, Lambs and Goat, as previously mentioned) must be marked as part of the Animal Identification System (AIS). The AIS is utilised to identify missing or stolen livestock and allows for identification of livestock owner using registered marked on the animal (South Africa, 2002). According to the Agriculture Farmacy South Africa [Agri Farmacy SA] (2021), animal identification is pivotal for identifying and hunting down stolen livestock, it also improve biosecurity, act as evidence of stock ownership, and is a deterrent tool against stock theft, for example, when animals are stolen, to be recovered quickly. The Agri Farmacy SA (2021) states that when livestock owner do not appropriately mark their livestock, serious consequences emerge, based on biosecurity and antibiotic residue found in meat samples. In this reference; 'biosecurity' means "measures required to prevent the introduction and spread of diseases and pathogens throughout a livestock farm." Therefore, the AIS is critical to biosecurity to recognise and trace livestock in the preparation and enactment of animal disease prevention. This can also be used to recognise where livestock originates to stop diseases/viruses transmissions of viruses and to locate stock theft scenes.

Moreover, the 'Age of animals at the time of marking [Regulation No. 11],' confirms that due to the lack of regulation and registration of livestock, there is no proper monitoring of animals coming in from the villages of neighbouring districts. However, Regulation No. 11 prescribes the ages of animals for marking purposes. This Act shares that '*Cattle/other domesticated livestock*' can be tattooed from the age of one month, must be marked and branded by the age of six months, when the animal has a pair of permanent incisors (The 02-tooth stage) and '*small stock*' must be tattooed at the age of 01 month. This is done to manage the National register for animal identification marks, while acting as a first line of defence against stock theft, and enhance identification of property and support traceability. This can positively contributes to visible deterrent, as stock thieves are more inclined to steel animals that are not marked, positive identification, proof of ownership, more effective policing and recovery rate, enable tracing; and it can be very useful if stolen or lost livestock are found, as it will be possible to locate an owner (Maluleke, 2016).

### **2.1.1.3 The Meat Safety Act (No. 40 of 2000)**

Essentially, animal identification is aligned with 'meat safety,' by ensuring quick discovery of possibly infected and stolen livestock on local farms. Phillips (2019) presents that Meat Safety Act, 2000

provides regulations for the safe handling of meat between producer and consumer for conventionally produced red meat, and for poultry. This Act is intended to guide a particular industry's activities to stay within the law, they can be difficult to understand and implement, Doorewaard (2020:295). It is also established that stock thieves often sell stolen livestock meat to community members who knew that it is stolen. Thus, strict procedures and regulations, such as updated legislations and regulating documents, need to be put in place to deter potential buyers from pursuing illegal avenues to obtain meat. Phillips (2019) warns that since the enactment of this Act, there has been lack of descriptive explanations from government and thus, most of South Africa's game industry has had to interpret the relevant regulations itself. Therefore, this Act needs to be rewritten to cater effectively for all animal types commonly consumed by people, and meat production is covered under this Act. While the Act provides separate regulations for each different category of meat produced in South Africa, the regulations for Game meat have been stuck in draft form since the year 2004 (Sommerville, Khumalo, Kamuti & Brooks, 2021).

## 2.2 Notable Structures for Policing Stock Theft in South Africa

Bunei and Kariaga (2016:2) share that stock theft challenges are detrimental, directly affecting food security and standard of living for South Africa livestock farmers. As a result, various structures exist to police stock theft in the country, considerably, the National Stock theft Stock Theft Prevention Forum (NSTPF), RPO, SAPS STUs, South African National Defence Force (SANDF), and some Anti-Stock theft structures advocate for combating stock theft (Maluleke, 2014:42; and NSTPF, 2021a), as the following section affirms:

### 2.2.1 The Stock Theft Forums

NSTPF (2016:66) states that the Stock Theft Forums (STFs) are formed by the RPO, focusing on 'National, Provincial and Local' spheres of South African government, in an attempt to fight and police stock theft. This forum was established as a representative body for the local livestock farmers to fight against this crime. This comprised of SAPS STUs, National Prosecuting Authority (NPA), DAFF, Department of Correctional Services (DCS) and the SANDF, local livestock farmers and other essential Anti-Stock theft structures.

### 2.2.2 Community Policing Forums

Maluleke (2014:98) hints that the Community Policing Forums (CPFs) can also be used to address stock theft in South Africa, as they are Constitutionally, 1996 mandated to monitor, and assist the local SAPS in designing crime prevention strategies, after offered adequate training thereof. The CPFs cooperations with the local SAPS STUs can successfully advance plans to combat stock theft, in urban and rural settings, although its successes differ hugely (Clack & Minnaar, 2018). In comparison; Makanda (2015:vi) emphasises that other communities in *Mutawatawa* [Zimbabwe], often partake in stock theft combating, prevention and investigation through the use of 'stock clearance, stop and searches, Anti-Stock theft campaigns, monitoring of stock registers kept by butchery owners and branding.'

However, the policing of this crime consists of certain challenges, such as resource constraints, lack of cooperation by [Key] public members, late reporting and lack of expertise. The effectiveness of investigations are often hindered by lack of training, understaffing, and complex nature of this crime and availability of ready market. To this course, the researcher submit that the local livestock owners should normalise forming part of the CPF structures and collaborate with the SAPS STUs, as well as other community organisations if readily available, this can allow them to raise grievances to the responsible authorities, to enhance reporting patterns, as stock theft reporting is not regarded as a sole responsibility of livestock owners, but community members at large, for example; a family or herdsman can report this crime to the SAPS STUs or traditional leaders in the absence of immediate owner.



### **2.2.3 Stock Theft Information Centres**

Manganyi, Maluleke and Shandu (2018:110) warns that disadvantageous, only One (01) Stock Theft Information Centres (STICs) is currently active [In North West Province] across South African. The NSTPF (2016:67) states that the main aim of STICs is to initiate a representative body, which collaborate in regulating investigations of stock theft cases to share relevant findings with other relevant stakeholders, to offer protections, preservations and production of livestock and red meat.

### **2.2.4 The South African Police Service Stock Theft Units**

The Department of Community Safety and Liaison [DCSL] (2008b:22) showcases the CJS must find suitable techniques to improve management of stock theft cases, while closely working with the SAPS STUs. This unit, should be assistant by various relevant stakeholders in policing this crime, this can be the SAPS Forensic Science Laboratory (FSL), livestock farming unions, CPFs and other Anti-Stock theft structures to offer proper investigative information of stock theft. Importantly, this unit must not be overburdened at all costs; the other SAPS officials at police station level are encouraged to be familiar with this crime by offering necessary support systems, such as conducting vehicle inspections and authenticity of livestock ownership.

### **2.2.5 The Farmwatch**

Manganyi, Maluleke and Shandu (2018:105) and (Clack & Minnaar, 2018) agree that owing to ineffective policing of stock theft in South African rural areas, livestock owners managed to organise safety/security system measures, under the umbrella of 'Farmwatch.' This consists of partnerships, collaborative patrolling supports and communications amongst neighbouring livestock farmers through the use of radio networks to avoid reliance on telecommunication, as stock thieves can possibly cut-off telephone lines when stealing the livestock and to assist when livestock are under attack or stolen, to respond to loitering and demanding identification books and restrictions to the farming yard.

### **2.2.6 The National Rural Safety Strategy**

National Rural Safety Strategy (NRSS) set-out cooperations of relevant structures for policing stock theft, such as the CPFs and sector policing structures. In contrary, the demobilisation of the 'Commando's System' in South Africa called for the SAPS management to create this new plan as a remedy, in the year 2010; this plan was introduced (Clack & Minnaar, 2018). The implementation of this plan focused local farming communities; looking on security of individuals residing in rural areas, to fight rural crimes, SAPS (2011:3). The Agriculture South Africa [Agri SA] (2018:63) went on to indicates that this plan intended on making CJS accessible and effective for rural communities and related crimes, this was accomplished by training about 87 State Prosecutors in 2017, to mainly focus on stock theft cases and fast tracking, as well as decreasing excesses of stock theft cases, while successfully prosecuting potential perpetrators stock theft.

### **2.2.7 The selected National Governmental Departments, South African Police Service and Police and Defence**

Maluleke (2014:44) presents that the DAFF induct methods to prevent, comprising of 'Parliament Portfolio Committee on DAFF and stock theft special courts' members. In this attempt, the DAFF work with other stock theft prevention stakeholders, by collaborating with the Department of Home Affairs (DHA), NPA, SAPS STUs and SANDF, to prevent cross border stock theft by controlling border entries. Montesh and Basdeo (2012) discuss that SANDF can also play a significant part in fighting serious crimes, including farm attacks and stock theft by syndicate group. The SANDF operations can include monitoring surveillance and providing air transportation to the SAPS STUs, as well as providing logistic

and personnel support them by engaging in roadblocks, cordons and vehicle, foot patrols and providing reaction backup force if required.

### 3. Methods and Materials

This study reviewed existing literature to evaluation of legislative frameworks and structures for policing stock theft in South Africa. Furthermore, a narrative literature review was utilised as a research design due to its ability to identify and synthesize different sources, as reputable ‘text books, internet sources, local Acts, journal articles, SAPS Strategic Plan; SAPS Annual Reports; Stock theft combating, preventions and investigations related Acts, DAFF Annual Report and SAPS STU Information Brochure’ about the chosen topic of this study (Campbell Collaboration, 2018). Considering this, the researcher gathered secondary data, using a purposive sampling technique. This secondary data were also sourced from research engines such as the Google scholar, institutional Electronic Theses and Dissertations (ETD) repositories, Jstor, Sabinet and EbcoHost that focused on the topic in question. The selection criteria were also determined by restricted data from the year 2000 to 2021 [Not in sequence] to reach data saturations (Maluleke, 2020; Mokwena & Maluleke, 2020; and Creswell, 2014).

Furthermore, it is provided also that one can ask questions of documents in same ways as with research participants. The collected data could be qualitative in nature, for example; to determine ‘*what ideas expressed in document, what is underlying approach or ‘agenda’ of document?*’ (Matthews & Ross, 2010). Moreover, the search was limited to work on evaluating legislative frameworks and structures for policing stock theft in South Africa. The data was analysed thematically using the inductive TCA. This method can be used to identify, analyse and report patterns within data set, allowing for descriptive organisation of the data in a way that facilitates interpretation of various aspects of research topics and be usefully applied to documents (O’Reilly & Kiyimba, 2015). Braun and Clarke (2014) provide that this data analysis approach focuses on the identification and classification of patterns or themes from collected qualitative data, this was based on objective of this study. The researcher further followed Clarke and Braun’s (2014) models of this data analysis method, closely focusing on these Five (05) phases:

- **Phase 1: Familiarisation with Data:** The researcher was familiar with the collected data from the reviewed literature studies and conducted documentary analysis, from 2000-2021, not in sequence.
- **Phase 2: Generating Codes:** The thematic features were identified from the reviewed literature studies and analysed documents (Acts), instead of generating codes to ensure simplification and determination of meanings attached to the study subject (Reviewed literature studies and Acts).
- **Phase 3: Identifying Themes:** The theme of this study was linked to the objective of this study [*The evaluation of legislative frameworks and structures for policing stock theft in South Africa*], based on the reviewed literature studies and conducted documentary analysis (Acts).
- **Phase 4: Reviewing Themes:** The identified theme was reviewed and correlated with the generated codes from the collected data to ensure correspondence with the objective of this study, as phase 3 refers.
- **Phase 5: Defining Themes:** The identified study theme, as phase 3 and 4 refers was outlined and discussed based on the objective of this study, aided by the reviewed literature studies and conducted documentary analysis, as well as the empirical findings.
- **Phase 6: Article Writing:** This study evaluated legislative frameworks and structures for policing stock theft in South Africa for the final production of this article.

Furthermore, the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) and Critical Appraisal Skill Programme (CASP) were employed to ensure trustworthiness of the findings of this study.

#### **4. Study Findings and Discussions**

The consulted literature of this study presented the nature and extent of stock theft in South Africa and associated challenges, to highlight specific gaps, inconsistencies and controversies. The effectiveness and limitations of current legislative frameworks and structures for policing stock theft were shared based on the Stock Theft Act, 1959, Animal Identification Act, 2002, Regulation No.11 and Meat Safety Act, 2000. The notable structures to police this crime involved the STFs, CPFs, STICs, SAPS STUs, Farmwatch and NRSS.

##### **4.1 Findings Relating to The Evaluation of Legislative Frameworks and Structures for Policing Stock Theft in South Africa**

The the nature of stock theft in South Africa was explored in this study (Maluleke, 2014, Manganyi, Maluleke & Shandu, 2018; and Tom, 2021), as affirmed in paragraph 1 of this study, the cited authors also shared that the effectiveness of current legislations and structures for policing stock theft in South Africa was also researched. The researcher intended to study the value of the current legislative frameworks and existing structures policing stock theft in South Africa to establish measures, which can be implemented to improve their lasting effectiveness. This study verified that the occurrence of stock theft is widespread, and the levels of this crime are high in South Africa and it is a National crisis and the analysed consequences are severe, causing chaos, while affecting many livestock farmers differently.

Conversely, it seems, as there is no sufficient relief for those adversely impacted by stock theft incidences, as this study established that current legislations and structures for policing stock theft are ineffective. Therefore, an urgent intervention is required as follows: A representative body consisting of livestock owners, relevant stakeholders, such as the SAPS [Management and at police station level], DAFF, RPO and SAPS STUs, among others should be initiated across the country. This can allow livestock owners to collaborate effectively with each other and to deter stock thieves to continue committing this crime stock, and to combat, prevent, control and reduce it to the acceptable level.

The researcher submits that there is a room of improvement to effectively to the increasing nature of stock theft, as the current legislations should be amended and improved and the identified shortfalls of stock theft structures should be revisited. Therefore, solidarity, cooperations, collaborations and communications can be some of best ways to combat, prevent, investigate and reduce stock theft. In essence, if stock owners, abattoirs, auctioneers, and barter agents, stock theft structures (I.e. CPFs, STICs, SAPS management and at police station level, SAPS STUs, Farmwatch and NRSS, National government departments (I.e. DHA and DAFF), DoJ & CD, SAPS STUs and SANDF should collaborate, and communicate suitable solutions for combating this crime.

##### **• Stock Theft Act (No. 57 of 1959)**

As confirmed by Maluleke (2014) in paragraph 1 of this study, the social and economic importance of livestock are huge. Therefore, the stock livestock owners, relevant stakeholders, legislative frameworks and structures policing this crime should be improved effectively address stock theft cycles in South Africa. This envisaged accomplishment can render effective livestock farming practices; enhance stock theft combating, prevention and investigation, to aid to the country's income, in terms of job creations and better standards of living. Based on the presentation made on Stock Theft Act, 1959 in paragraph 2.1, selective Sections; 2-6, 8-9 and 14 were shared, to this course, Maluleke (2014) in paragraph 2.1.1.1 of

this study stated that the Section 8 of this Act is responsible for regulating the movement of stock within South African provinces, relating to transportation and removal certifications given by livestock owners. Doorewaard (2020) found this Act to be problematic in the same paragraph by sharing that ‘removal certificates’ can be easily faked by stock thieves. The DoJ & CD (1959) highlighted that Section 14 of this Act cover handing-out of fines or imprisonment not more than 3 years by the local Courts to the stock thieves. In support to this submission; Doorewaard (2020) further stated that this Section ‘14’ was found troublesome by the South African High Court, Section 8, also require improvement.

### • **Animal Identification Act (No.6 of 2002)**

Generally, paragraph 2.1 of this study looked at this Act. The study by Maluleke (2014) in paragraph 2.1.1.2 of this study indicated that this Act made provision for the compulsory marking of livestock. However, it was established that even though this Act prescribes that all the livestock owners to properly mark their livestock, this legislation is not harshly imposed (Maluleke, 2014). The DAFF (2008), as the custodian of this Act emphasised that this Act displayed that livestock owners should take responsibilities of marking their livestock with a registered identification marks, as prescribed by ‘office of the registrar of animal identification.’ Maluleke (2014) warned that the livestock owners do not harshly impose this Act. This revealed that livestock owners neglect the reporting of this crime, as they fear that they could be fined for not marking their livestock, as Clack (2018) contended in paragraph 2.1.1.2 of this study. Moreover, the ‘Age of animals at the time of marking [Regulation No. 11],’ prescribed the ages of animals for marking purposes. The regulation and registration of livestock is lacking and proper monitoring of animals coming in from the villages of neighbouring districts are not adequately practiced, Maluleke (2016).

### • **The Meat Safety Act (No.40 of 2000)**

As showcased in paragraph 2.1 and 2.1.1.3 respectively, this Act is responsible for providing ‘measures to promote meat safety and the safety of animal products; to establish and maintain essential standards in respect of abattoirs; to regulate the importation and exportation of meat; to establish meat safety schemes; and to provide for matters connected therewith, however, it should be urgently updated/redrafted, as it is not well defined, equally, this Act should accommodate all animal types normally eaten by humans.’ (Phillips, 2019). This Act is also responsible for the safe handling of meat between buyer and seller for conventionally produced red meat, and for poultry. Moreover, the Meat Safety Act, 2000 intended to guide a particular industry’s activities to stay within the law, they can be difficult to understand and implement, thus, this Act should be improved to prevent the slaughtering and selling of stock from illegal places (Doorewaard, 2020). Importantly, this Act shares separate regulations for each different category of meat produced in South Africa, the Game meat regulations, as removed since the year 2004, Sommerville, Khumalo, Kamuti & Brooks (2021).

Subsequently, there are various structures in place to police stock theft in South Africa; however, Maluleke (2014) revealed that these structures are currently ineffective. The active structures are confirmed to be the STFs, CPFs, STICs, SAPS STUs, Farmwatch, NRSS, government departments, SAPS management and at police station level, as well as the SANDF, amongst others (Maluleke, 2014:42; and NSTPF, 2021a), as indicated in paragraph 2.2 and 2.2.1 of this study respectively. This study found that some of these structures are creating representative bodies to control, combating and prevent this crime. The STFs fight against stock theft and its members comprised of livestock farming groups, SAPS STUs, NPA, DAFF, DCS and SANDF, as confirmed by the NSTPF (2016) in paragraph 2.2.1 of this study.

The CPFs have capacity to solve stock theft, as it can handle this problem at the initial phase, by inducting appropriate community-based programmes, fully involving community groups at various stages of decision making, planning and implementations for the protection and preservations of stock theft, as stated by Maluleke (2014), Clack and Minnaar (2018) and Marais (1990) in paragraph 2.2.2 of this study. Paragraph 2.2.3 of this study shared that the STICs aim to collaborate with other stakeholders investigate this crime and share related findings among each other to protect livestock and for production red meat (NSTPF, 2016). Negatively, Maluleke (2014) shared that 01 active STIC is found at North West Province, this calls for urgent attention.

Paragraph 2.2.4 of this study revealed that the SAPS STUs are established to combat, prevent and investigate stock theft across South African provinces; however, capacity is reported to be limited, as affirmed by DCSL (2008b). Paragraph 2.2.5 of this study also supported this finding as stated by Manganyi, Maluleke and Shandu (2018) and (Clack & Minnaar, 2018) highlighted that the ineffectiveness of policing this crime by the relevant Anti-Stock theft structures, Farmwatch systems are created to organise efficient safety and security measures, collaborating and communicating with nearby livestock owners to prevent this crime. As indicated in paragraph 2.2.6 of this study, the NRSS look at policing of rural crimes by relevant stakeholders, as shared by Clack and Minnaar (2018), coupled with CJS accessibility, as hinted by the Agri SA (2018). Moreover, paragraph 2.2.7 of this study focused on the selected National governmental departments, DAFF, DHA, DoJ & CD, SAPS and SANDF to offer needed supports by engaging in roadblocks, cordons and vehicle, documents inspections and verifications, foot/vehicle patrols and providing reaction backup force if required (Maluleke, 2014).

## **5. Conclusions and Recommendations**

The high rates associated with this crime in South Africa have a detrimental effects on meat industry, agricultural sector and the economy of the country. If livestock in the country are not protected by existing legislations and structures; many livestock owners and sectors will be largely affected, as the livestock owners and the economy will experience financial losses, meat will be sold meat at high price, and employees in this sector will lose jobs. From this study researcher findings, it became clear that the occurrence of stock theft is high in South Africa and the current stock theft legislative framework and structures for policing stock theft in South Africa in the area under study, and elsewhere, are not effective in the fight against stock theft in the country. The stock theft legislative framework and structures currently utilised in South Africa have been ineffective. Therefore, the ineffectiveness of stock theft the selected legislations and structures should be urgently revised and corrected respectively, and some sections on legislative framework and structures of stock theft could be improved and redrafted.

For recommendations, a common understand of severity of stock theft should urgently highlighted by relevant stakeholders, to effectively fight this scourge, efficient implementations and improvements of legislative frameworks and responsible structures should be put in place to deter stock thieves, and also combat, prevent, control, investigate and reduce stock theft incidences in South Africa. Section 8 of Stock theft Act, 1959 should not allow livestock to be transported or conveyed at night, and in addition, this section can be improved on the availability and unregulated use of the stock 'removal certificate.' The livestock owners, herdsman or community members to report the incident of stock theft to the SAPS or CPF's in their community as early as possible to help prevent this crime and recover the stolen livestock, as the Animal Identification Act, 2002 and Regulation No. 11 affirms. It is also recommended that all the indicated structures (STFs, CPFs, STICs, SAPS STUs, Farmwatch, NRSS, DHA, DAFF, DoJ & CD, NPA, SAPS STUs and SANDF) should actively collaborate, co-operate, and form partnerships to deter stock thieves from committing this crime. These structures should co-operate, share available resources, detailed information about the nature and extent of this crime. The SAPS STUs should work together with relevant Anti-Stock theft structures to police this crime.



## References

- Agriculture Farmacy South Africa. (2021). Why is animal identification important? Agri Farmacy SA. 30 June 2021. Retrieved from: <https://www.agrifarmacysa.co.za/2021/06/30/why-is-animal-identification-important/>.
- Braun, V and Clarke, V. (2014). What can “Thematic Analysis” offer health and wellbeing researchers? *International Journal of Qualitative Studies on Health and Well-being*, 9(1): 1-2.
- Bunei, E and Kariaga, P. (2016). Farm theft in Kenya: Farmers’ experiences and responses. *African Journal of Education and Social Science*, 1(1):59-75.
- Campbell Collaboration. (2018). An author’s guide to writing articles and reviews for Educational Research review. Retrieved from: <https://www.huidziekten.nl/diversen/> ..
- Clarke, V and Braun, V. (2014). Thematic analysis. In: *Encyclopedia of critical psychology*. Teo, T (Editor). Springer: New York.
- Maluleke, W. (2020). The African scare of fall armyworm: Are South African farmers’ immune? *The International Journal of Social Sciences and Humanity Studies*, 12(1), 207-221.
- Creswell, J.W. (2014). *Research design. Qualitative, quantitative and mixed methods approaches*. Thousand Oaks, California: Sage.
- Clack, W. (2018). Rural crimes: non-reporting of livestock theft by farmers. *Acta Criminologica: African Journal of Criminology and Victimology*, 31(4), pp.1-7.
- Clack, W and Minnaar, A. (2018). Rural crime in South Africa: an exploratory review of ‘farm attacks’ and stock theft as the primary crimes in rural areas. *Acta Criminologica: African Journal of Criminology and Victimology*, 31(1), pp.103-135.
- Dambe, B.J and Fombad, C.M. (2020). The stock theft act and customary courts in Botswana: justice sacrificed on the altar of expediency. *The Journal of Legal Pluralism and Unofficial Law*, 52(1):65-81.
- Department of Community Safety and Liaison. (2008). *Stock theft in Kwazulu-Natal*. KwaZulu-Natal Department of Community Safety and Liaison: Pietermaritzburg.
- Doorewaard, C. (2016). *Policing rural (Agricultural) areas: Livestock theft as a point of departure*. Pretoria: SARP Publisher.
- Doorewaard, C. (2020). *Livestock theft: a criminological assessment and sample specific profile of the perpetrators*. MA dissertation, University of South Africa, Pretoria.
- Dzimba, J and Matooane, M. (2005). *Stock theft and human security: Case study of Lesotho*. Institute for Security Studies Monographs, (113):85.
- Geldenhuis, K. (2009). *Forensics-physical matching and brand-mark examination on livestock*. Pretoria: SARP Publisher.
- George Herald [Online]. (2018). Forum reacts to national crime statistics. Retrieved from: <https://www.georgeherald.com/News/Article/Agriculture/forum-reacts-to-national>.

- Kynoch, G and Ulicki, T. (2000). "It Is Like the Time of Lifaqane:" The Impact of Stock Theft and Violence in Southern Lesotho. *Journal of Contemporary African Studies*, 18(2): pp.179-206.
- Lombard, W.A. (2015). *The financial impact of sheep theft in the Free State Province of South Africa. Unpunished Magister Scientiae Agriculturae*. University of the Free State: Bloemfontein.
- Lombard, W.A., Van den Heever, M and Jammer, B. (2018). *The role of livestock identification in farming*. Plaas Media: Centurion.
- Makanda, L.L. (2015). *Challenges faced by police officers in policing stock theft [A Case study of Zimbabwe Republic Police Mutawatawa, Mashonaland East Province] period 2012-2014. Unpublished Bachelor of Business Administration [Honours] degree: Police and Security Studies*. Bindura University of Science Education: Zimbabwe.
- Maluleke, W. (2016). *The use of Deoxyribonucleic Acid in combating stock theft in South Africa. Unpublished Doctor Technologiae: Policing Thesis*. Tshwane University of Technology: Soshanguve South.
- Maluleke, W. (2014). *Perspectives on stock theft prevention in the Giyani policing area of Limpopo Province. Unpublished Magister Technologiae: Policing Dissertation*. Tshwane University of Technology: Soshanguve South.
- Maluleke, W and Mofokeng, J.T. (2018). *Challenges facing the implementation of Deoxyribonucleic Acid technology in combating stock theft in KwaZulu-Natal province, South Africa*. *The International Journal of Social Sciences and Humanity Studies*, 10(1), 311-345.
- Maluleke, W., Tshabalala, N.P and Tolla, A.D. (2021). *Perspectives on Stock Theft Prevention in the Selected Provinces of South Africa: Failures and Successes*. *International Journal of Criminology and Sociology*, 10, 1029-1038.
- Maluleke, W., Mokwena, R.J and Motsepa, L.L. (2016). *Rural farmers' perspectives on stock theft: Police crime statistics*. *South African Journal of Agricultural Extension*, 44(2), 256-274.
- Manganyi, F.M., Maluleke, W and Shandu, S.N. (2018). *An examination of co-operative strategies towards policing stock theft in the KwaZulu-Natal Province*. *Acta Criminologica: African Journal of Criminology and Victimology*, 31(4):97-122.
- Matthews, B and Ross, L. (2010). *Research methods: A practical guide for the social sciences*. Essex: Pearson.
- Mokwena, R.J and Maluleke, W. (2020). *South African rural communities and the land restitution process: The application of criminological and legal theories in identifying obstacles to rightful allocations of land*. *Gender and Behaviour Journal*, 18(3): 16145-16156.
- Montesh, M and Basdeo, V. (2012). *The role of the South African national defence force in policing*. *Scientia Militaria: South African Journal of Military Studies*, 40(1):71-94.
- National Stock Theft Prevention Forum. (2016). *Manual for the prevention of stock theft: The farmer's guide to the prevention and handling of stock theft*. Pretoria: Agri Connect.
- National Stock Theft Prevention Forum. (2021). *Livestock theft-the picture in December 2020*. 2 March 2021. National Animal Health Forum. Retrieved from: <https://nahf.co.za/wp>.

- O'Reilly, M and Kiyimba, N. (2015). *Advanced qualitative research: A guide to using theory*. Thousand Oaks, California: Sage.
- Phillips, L. (2019). Bringing more South African game meat to dinner tables. *Farmers weekly*. 30 November. Retrieved from: [https://www.farmersweekly.co.za/animals/game ...](https://www.farmersweekly.co.za/animals/game...)
- Ramalekana, T.I. (2016). *Retrospective analysis of the outcomes of the animal crime scene investigation in Thabazimbi 2013-2015*. MA dissertation, University of Pretoria, Pretoria.
- Sommerville, M., Khumalo, L., Kamuti, T and Brooks, S. (2021). Game On! Understanding the emerging game meat value chain in South Africa. Retrieved from: <https://www.issuelab.org/resources/38715/38715.pdf>.
- South Africa. (2002). *Animal Identification Act (No. 6 of 2002) / Age of animals at the time of marking (Regulation No. 11)*. Government Gazette No. 769, 03 June 2002. Cape Town: Government Printers.
- South Africa. (2000). *Meat Safety Act (No. 40 of 2000)*. Government Gazette, 21707, 01 November 2000. Cape Town: Government Printers.
- South Africa. (2011). *Stock Theft Act (No. 57 of 1959)*. *Juta Law*, 46 (34535), September 30:12.
- Tom, S. (2021). Here's the top 10 list of livestock theft hotspots in SA. June 10, *Food for Mzansi*. Retrieved from: <https://www.foodformzansi.co.za/top-10-list-of-livestock-theft-hotspots-in-south-africa/>.
- Wilk, J., Andersson, L and Warburton, M. (2013). Adaptation to climate change and other stressors among commercial and small-scale South African farmers. *Regional Environmental Change*, 13:273-286.

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