
Effective legislation

This case has highlighted the most important aspect of no-nonsense legislation that is designed to be preventive rather than curative. As long as it is implemented as intended, it will serve to deter any potential poaching and trafficking. It is better to make an example of a few people, thereby creating awareness and preventing the extinction of a species, than to have a lot of people in and out of jail and not achieve the objective of stopping a species from becoming extinct.

The significance of the chief justice's ruling on the species argument is notable in that had the defence's argument been upheld, then this case heard by the chief justice of Swaziland would have served as an authority in all countries practising similar law and would in most cases have meant that those countries would have had to amend their laws preemptively in order to avoid manipulation of technicalities in favour of the quest for the truth and what is right. Invariably most countries would have been slow to amend their laws—if they had even become aware of such a precedent—and a large, serious loop-

hole would have existed in the efforts for effective control of rhino poaching and trafficking.

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Black rhino crisis in Zimbabwe

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Zimbabwe's white rhino (*Ceratotherium simum*) population was gradually re-established through translocations from South Africa after this species had been eradicated in Zimbabwe during the colonial era. Translocations included a number of white rhinos that were purchased and imported by wildlife ranchers at considerable expense to themselves. White rhinos have been under sound management in South Africa and have been steadily increasing to a present continental total of about 10,500, while the continental total of black rhinos (*Diceros bicornis*) in Africa has declined drastically, bottoming out at only 2450 by the early 1990s. Continentally, black rhino numbers have increased slightly since 1995, reaching 2700 by 1999. The Zimbabwean focus of international conservation concern, therefore, has been the country's black rhino

population. During the early 1980s, the Zambezi Valley within Zimbabwe held the largest remaining black rhino population in Africa (over 1000), but cross-border poaching by Zambian poachers began to cut down this population drastically in the late 1980s, and an urgent conservation strategy was implemented, with considerable international interest and support.

This national strategy for black rhino conservation was based upon the following two main rhino breeding initiatives.

- Intensive Protection Zones (IPZs) were set up in stateland areas, to concentrate available government anti-poaching resources on the few relatively high-density rhino populations that survived the waves of poaching in the late 1980s and early 1990s. These four IPZs received significant donor

support; thus the more effective patrolling that was achieved within them combined with an extensive dehorning campaign stemmed the poaching by 1995.

- A rhino ‘custodianship scheme’ was established, whereby about 190 black rhinos were captured in the heavily poached areas of the Zambezi Valley and were moved to private ranches, still remaining under state ownership but with the burden of their protection spread to the private sector. Not all these custodianship projects were successful: several suffered from poaching and from problems with their habitat. In recognition of the need to provide more space and better coordination of their anti-poaching efforts, landowners in several areas combined their properties into large conservancies within which viable rhino populations were consolidated. By 2000, the black rhino populations that had been introduced in several of these conservancies in Zimbabwe’s lowveld region had doubled after achieving some of the fastest growth rates ever recorded for rhino populations.

The successful rebuilding of Zimbabwe’s black rhino population from a low point, after the heavy poaching, of about 370 in 1993 to a current level of about 440, along with the establishment of innovative conservancy projects earned Zimbabwe considerable acclaim within the international conservation community. Almost 75% of Zimbabwe’s black rhinos are on commercial farms and conservancies. Of the national total of about 200 white rhinos, approximately half are on private land.

Since early 2000, the rhino custodianship scheme has been greatly undermined by the large-scale invasion of subsistence farmers into areas of commercial ranching land throughout Zimbabwe. Peasant subsistence farming and rhino conservation are mutually exclusive activities. Hence the invasions into at least a third of the total area of the rhino custodianship areas in southern Zimbabwe, containing about 230 black rhinos, have displaced significant numbers of these rhinos out of their home ranges. The displacement has provoked fighting between the animals, leading to many injuries and the death of at least two. Habitats are being cleared for patchy settlement, and the extensive bush fires that have been set in this process have swept through conservancies, killing at least one black rhino calf.

The perimeter game fencing around conservancies has been torn down and the wire has been used to

manufacture thousands of snares. These have been set mainly to kill antelopes for bushmeat, the offtake of which has now reached commercial proportions and has annihilated wildlife populations in many of the invaded areas. Several wild dogs have also died in the snares. Thus far, there is no evidence that snares are being set deliberately to catch rhinos, but a number of black rhinos have been trapped through indiscriminate snaring; over the past two years, at least 4 have died because of snaring, and a further 13 have required drug darting to treat snare wounds, most of which have been serious.

Horns have been stolen from at least two of the rhinos that are known to have died. Rhino monitoring by conservancy scouts has been disrupted, and invaders have severely assaulted several scouts. The international press recently publicized the aggressive invasion by ‘war veterans’ of Gourlays Ranch, which contains at least 30 black rhinos. The ‘war veterans’ have declared ‘no-go zones’ within larger conservancies such as Save Valley and Bubiana. This ongoing disruption of rhino monitoring means that not all the rhino snaring cases will have been detected. When poachers are arrested, they are generally given very minor or suspended sentences by magistrates who ignore the risk to rhinos and other endangered species that arises from the indiscriminate setting of wire snares.

Apart from the problems of law enforcement, rhino protection is increasingly compromised because of economic problems. The government provides no financial support for rhino monitoring or anti-poaching activities on private land, and the drastic decline in tourism in Zimbabwe is eroding the financial ability of private custodians to provide effective protection for the animals in their care. The establishment of conservancies was a holistic initiative that recognized the importance of developing community outreach programmes. However, the current loss of economic viability and the political friction that has been engendered are severely undermining some long-standing attempts to create mutually beneficial economic links between conservancies and their neighbouring communities. Proposals for resource-sharing projects involving viable community-based wildlife ventures linked to commercial wildlife operations have been suggested by three key rhino conservancies—Save Valley, Bubiana and Chiredzi River—as an alternative to dryland subsistence agriculture. But they have to await political endorsement and donor support before they can be implemented.

Concurrently, concerns have arisen over rhino protection in Zimbabwe's stateland areas. Monitoring systems within the Intensive Protection Zones have become less effective because of declining government expenditure, loss of expertise, reduced tourist operations, waning donor interest, weakened coordination among stakeholders, and so on. The fact that these areas may no longer be considered intensively protected was driven home when poachers entered a national park base at Matusadona IPZ (Lake Kariba) on 28 March 2002 and used an agricultural carbamate pesticide to poison two semi-tame rhinos in pens. They succeeded in killing one, then removed its horns, stole fuel and escaped undetected.

Recent press statements have suggested that some 50 rhinos, black and white, have been poached during the land invasions. As detailed above, the known losses (as of early May 2002) are considerably fewer than this figure and do not include any white rhinos, but there definitely must be rhino snaring cases that have not yet been detected. Although the press coverage may be somewhat alarmist, it is clear that the snaring problem is worsening. Zimbabwe's collapsing economy, food shortages associated with the current drought and decline of commercial agriculture, political violence, lawlessness and unemployment, particularly in rural areas as farm labourers lose their jobs, are all factors that obviously create the socio-economic environment for increased snaring and a potential flare-up of rhino poaching on an organized, commercial basis.

Because this rhino crisis is intertwined with the overall political difficulties that currently afflict Zimbabwe, the opportunities for intervention by local and international conservation agencies are very limited. The Zimbabwean minister of Environment and Tourism is receptive to the strong expressions of international concern that he regularly receives and has publicly expressed his own concern. But his ministry has thus far been unable to implement or influence any significant measures to reduce the level of poaching and habitat loss. WWF has been able to provide professional assistance and funding support for emergency veterinary responses when rhino snaring cases are detected, but this measure simply deals with the symptoms of the problem rather than its causes.

One step towards addressing underlying causes rather than symptoms is for conservation agencies to support options for communities to become involved in sound business ventures based upon the wildlife potential of the conservancies. Definite prospects exist for wildlife-based land reform in lowveld conservancies, but these options are being foreclosed by the current pattern of 'fast-track' dryland agricultural resettlement. Development of more sustainable wildlife opportunities entails ongoing technical assistance and must be backed up by significant outside funding. But these possibilities are stalled until official policies on wildlife-based land reform and on the role of conservancies become sufficiently clear and conducive.

Renewed threat to Kenya's rhino conservation efforts

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The illegal trade in rhino horn in the 1970s and 1980s that reduced the world's black rhino population to fewer than 2500 by the early 1990s remains a serious potential threat. This threat is especially ominous in Kenya, where in the last quarter of 2001, six black rhinos (about 10% of the estimated population) in Tsavo East National Park were slaughtered by poachers for their horns.

The Tsavo East free-release rhino population was established in July 1993, after the rhino population

there had been virtually wiped out, when four rhinos were translocated from Nairobi National Park and five rangers and an officer were assigned to this new rhino unit. The objective of the free-release programme was to introduce black rhinos through experimental release followed by intensive monitoring of their movements and behaviour. The experiment was to test the feasibility of establishing large numbers of rhinos (> 20) without the need for electric fencing. More rhinos were moved in and by the end of 1994, 20