

We should come up with another rhino mgt plan. After the 2004 RRG Workshop we haven't met to look into the way forward.

Dr Emslie – sustainability is in a longer term. There is a need for some retention in revenue to re-invest in conservation. Is there any option of re-looking into this revenue retention issue?

Response from the presenter - there are many different views on this and you are correct that this was one of the reasons Frankfurt pulled out.

Dr Brooks – The issue also has to do with the viability of the population. Having them in a sanctuary it undermines such viability. How to handle this?

Response from the presenter – the park is fenced.  $\frac{3}{4}$  is fenced and views are being discussed to pool down the fence of the sanctuary. This is dividing the park into sections. How best can we manage the rhinos in the park without a sanctuary?

Dr Knight – we need not to lose sight of the reason behind the sanctuary. We need to look at it in a phased approach, supporting to other species.

It was noted that 300sqm in the lower Shire valley. In 1980-90, elephant population disappeared. It became just a wilderness area. African Parks came in and started re-introducing animals, fencing the area, introducing roads and mobilizing local communities. They have introduced new species and two translocations have occurred.

Dr Emslie – recommended best re-introduction practice to be near 20 founders as criteria. If you take down the fence animals will have a wider range area. Once numbers have built up you can then trans-locate.

## **SWAZILAND REPORT SUBMITTED BY GEORGE MBATHA**

### **1. Priorities for Rhino Conservation in Swaziland**

Our priorities have barely changed from the previous submission in 2003.

**Introductory Boma at Hlane** The costs have escalated, bringing the total to E 230 000 from the previous total of E 200 000, but it is still urgently needed for translocated rhinos.

**Ground Support for Rangers** We have yet to acquire the two motorcycles to increase security at Hlane. Again the costs have escalated and the cost is now about E 66 000.

**Expansion of Range – Hlane** Expansion always remains a priority. A study is being undertaken to justify / motivate His Majesty to agree to the inclusion of Ndvukuyamangedla and Grand Canyon areas into Hlane on the basis of expanded range for black and white rhino. This expansion would enable Hlane to support enough animals to make this an AfRSG continentally key population with ECC of +100 black rhino (Adcock 2002), and to bring to reality the recommendations of the Adcock study of 2002. This would be a first step towards possible participation in the KZN Wildlife / WWF rhino range expansion programme. Such a possibility would give teeth to any motivations directed at the Head of State.

**Hlane fencing** (To include Ndvukuyamangedla if possible). Quote +/- E79 000 per kilometre. Motivation similar to 1 and additionally it would expand important vulture nesting range south of Nzotho, currently not being used due to disturbance by humans. Their adjoining section of Hlane supports the highest density of tree nesting vultures in the world.

Fencing lines excluding Ndvukuyamangedla is 22km; and including is 42km. The Simunye section remaining is 4km.

**Control of Invasive Alien Vegetation over Rhino Habitat** Cromalina and Lantana Camera encroachment is serious particularly over black rhino habitat, but is also affecting the habitat of white rhino. It is also threatening to impact negatively on these two species. Fire appears to be the best control agent, but there is not always sufficient combustible material to support a good fire, particularly where plant density has shaded out the grass factor. Areas cleared are relatively quickly reclaimed by indigenous grasses, but the clearing is a slow process.

Cremolina and Lantana are seriously affecting both Hlane and Mkhaya, and are in desperate need of control.

## **2. The Swaziland Game Act**

The strength of the Game Act has been clearly shown in the control of poaching which reached disastrous levels during the late 80's and early 90's.

The salient points of this legislation are:

Game Rangers have been given the necessary powers under the Act to perform with confidence and without fear, enabling them to deal with highly developed mafia-style crime. This has boosted morale and has resulted in very effective law enforcement.

A game ranger appointed by the Head of State, or any person acting under the instruction of such game ranger may:

- ❖ bear arms and may, in life threatening circumstances, shoot to kill
- ❖ search any person or premises without a warrant
- ❖ arrest without a warrant
- ❖ seize any property or item connected with an offence without a warrant
- ❖ stop and search any vehicle, train or aeroplane without a warrant
- ❖ and in doing any of these things in the execution of his/her official duty he/she shall not be liable to prosecution

Because the powers of game rangers are so extensive and because of their power to co-opt additional manpower by instruction, the number of substantive rangers has been kept to a minimum. In Swaziland, there are only 8 substantively gazetted rangers all of whom are highly disciplined and responsible people who have stood the test of time and who are aware that abuse of power would threaten the survival of the Game Act. Furthermore, there is in practice a zero tolerance for abuse of power, so extreme caution and discipline is exercised in the selection of additional co-opted manpower.

In response to Court failure to respond to the need to protect wildlife and to help curb poaching, discretion has been removed from the courts in substantial measure.

Section 8 of the Game Act, which covers schedules I & II (specially protected and Royal game respectively) was included in the Non-Bailable Offences Act, along with murder, rape, armed robbery, hard drugs, weapons of war, and money laundering. This Non-bailable Act was unexpectedly abolished in its previous form, but the serious crimes it covered have conditional bail terms attached to them. His Majesty has now directed that Section 8 be included in the list of serious crimes. This indicates how serious Swaziland is in her commitment to conserving her

wildlife heritage, and with this kind of support, we are confident we can sustain our effective and high profile rhino security.

All birds are listed under Schedule II (Royal Game) making the killing of any bird without a permit a non-bailable offence.

- ❖ Mandatory minimum penalties have been introduced
- ❖ Offenders against species listed in Schedule I face a minimum jail term of 5 years imprisonment without the option of a fine. Second offenders – a mandatory 15 years without the option of a fine
- ❖ Offenders against species listed in Schedule II face a minimum mandatory 2 years imprisonment or E 2000 fine, provided the **fine imposed shall not be less** than the value of the animals poached, eg. The scheduled value of a sable antelope is currently E 20 000 (The schedules of valuation need updating because game prices have escalated since 1991 when values were set)
- ❖ Offenders against species listed in Schedule II face a minimum sentence of 6 months jail or E 600, provided the **fine shall not be less** than the value of animals poached. For example, 6 impala snared, currently valued at E 250 each, would equate to E 1500, so the fine imposed may **not be less than this**.

In all cases, the concept of replacement of animals poached has been introduced into the Act. Failing replacement or compensation for the animals' value, an additional mandatory 2 years is added to the 5 year term for Schedule I game and additional 1 year is mandatorily added to the 2 year and 6 months minimum jail terms prescribed for Schedules II and III species respectively.

Replacement / compensation for animals taken, in terms of the Act, shall be awarded to the **owner** of such animals or if the owner cannot be identified, the replacement / compensation shall be awarded to the **State** by order of the court. No sentence may be suspended or remitted by the court.

And to ensure compliance with the Act, a clause is included which stipulates that any person, including a judicial official who frustrates, obstructs or defeats the ends of justice or who **attempts** to do so, shall go to jail for a period of not less than 1 year without the option of a fine. (Here we see the unique development of the judiciary itself being legislated against. It must be remembered that this legislation came about in response to Court failure to handle cases against wild animals responsibly).

Any legislation is as good only as its application. And it is easy for prosecution to deliberately spoil a case with pretended incompetence. It is also not difficult for a magistrate to deliberately misinterpret evidence. It therefore can be a thin line that separates a blunder from a deliberate act so we need the police, the prosecution and the judiciary to respect the spirit and the purpose of the Act. Nevertheless, the Game Act has worked extremely well for us, and has produced the intended results.

The Game Act continues to work, though there has been a drastic decline in the ability of Justice generally to handle cases.

Swaziland's legislation and the Game Act is currently under scrutiny by various experts in order to make it CITES compliant.

### 3. **Births, Deaths and Sales**

**White rhino** In both Hlane and Mkhaya, the white rhino has bred well. There were limited fatalities from both natural and unnatural causes. One unnatural death was caused by ingestion of wire and the natural causes were from bull fighting, drought and old age.

**Black rhino** This population has hit the ecological carrying capacity in their present range, and this is causing fighting amongst the bulls, leading to two mortalities. One female died of old age. The birth rate has slowed down, but it is hoped that due to exporting two males to SAN Parks, more space has been created, encouraging the birth rate to pick up again. In pursuance of the study done by Keryn Adcock, two farms have been bought to be incorporated into Mkhaya to add further range.

#### 4. Law Enforcement

Following up on the report at the previous meeting in 2003, the Lavumisa rhino horn trafficking case that resulted in the arrest of a past magistrate from South Africa being arrested for the trafficking of rhino horn. The accused were convicted and sentenced to 5 and 7 years in jail respectively and without the option of a fine.

In February of this year, Simon Millidge and Megan Diamond of TRAFFIC paid a visit to Hlane and Mkhaya to examine our stockpiles, in accordance with CITES requirements. We are still awaiting their report.

#### 5. Threats

The conspiratorial attempt to wrest the Game Act out of the Kings Office by people of influence, who would have it softened, continues. Cudgels have been taken up by an NGO Yonge Nawe, whose director has purged herself with outrageously untrue and unsubstantiated, slanderous allegations against the King's Office, Big Game Parks and the Private Sector in an attempt to discredit, and to get the Game Act and CITES returned to the Swaziland National Trust Commission, where her husband would control them in his capacity as Director of SNTC Parks. (SNTC's powers of authority are confined to the boundaries of their own parks and are not country wide).

Swaziland's wildlife depends on the stability of the laws, as does the economy and the tourist trade. Therefore Big Game Parks stands resolute in its position to support the Game Act and CITES being retained in the King's Office, where its functionality flourishes, and to resist all pressures to move it to the Ministry of Tourism.

#### 6. The Downlisting of the Swaziland Rhino

Swaziland's proposal to CITES for downlisting her white rhino population from Appendix I to Appendix II at the Conference of Parties in Bangkok in November 2004 was successful. For the proposal to be successful, it was necessary to be supported by a non-detrimental finding. Swaziland therefore commissioned a rhino specialist, Keryn Adcock, to assess whether or not a downlisting of Swaziland's rhino would be detrimental to its rhino population. The result of this assessment was that the downlisting would not be detrimental to the rhino population. Extensive additional expert advice also supported this non-detriment finding.

The issue was put to the vote at the CoP and 87 parties voted in favour of the proposal while 15 voted against, and there were 29 abstentions. We were overwhelmingly supported. Kenya and India were the two countries that most vocally opposed the proposal and several NGO's also spoke against it. The two salient reasons were that Swazi legislation was non-compliant with CITES and that a population of 61 white rhinos was too small to be viable. The first of these reasons ignored the fact that Swazi legislation protecting rhinos was amongst the harshest in the world with the record showing that not a single rhino had been lost to poaching for a full 12 years, and the second reason ignored the fact that the entire white rhino population of the world, (some

13 000), came back from less than 30 animals. Some researchers place the number as low as 12 animals.

The downlisting result greatly enhances Big Game Parks' policy of sustainable utilization of natural resources and to our ability to manage our rhino population optimally – though the trophy hunting option is unlikely to be taken up for a very long time to come.

## **BOTSWANA COUNTRY REPORT – MERCY MASEDI**

### **Introduction**

Botswana like many other countries experienced the extinction of both black and white rhinos in the 19<sup>th</sup> century. Rhinos currently found in Botswana are remnants of rhinos introduced into the country from South Africa between 1960 and 1980, and recently in the last decade. We really need to appreciate regional cooperation through the SADC Rhino Regional programme through which we managed to reintroduce quite a good number of rhinos through exchange programmes. We have a total of seventy eight rhinos with Chief's Island holding the largest population in the wild.

### **Population Distribution**

The rhino population distribution is as follows:

<b>COUNTRY DEN</b>	<b>SPECIES</b>	<b>SSP</b>	<b>PARK</b>	<b>TYPE</b>	<b>NUM</b>	<b>SIZE(km<sup>2</sup>)</b>	<b>RCPE</b>	<b>PROB</b>	<b>SG</b>	<b>TOTAL</b>
BOTS 0.007	WHITE	CSS	MOREMI GR	S	1	>4000	29+2	2		29
BOTS 0.001	BLACK	Dbm	MOREMI GR	S	1	>4000	4			4
BOTS 0.674	WHITE	Css	SANCTUARY	C	1	43	29		29	
BOTS 0.333	WHITE	Css	MOKOLODI	P	1	30	10			10
BOTS 0.171	WHITE	Css	THOLO	p	1	35	6			6

### **Conservation plan**

Our Rhino Management Strategy has been printed and published and is now working. The document is a vision towards rhino conservation and is expected to be a guide in the long-term rehabilitation of the rhino populations in Botswana.

### **Rhino poaching**

No poaching has been reported in Botswana from June 2004 to date but we have a case on illegal possession of two rhino horns smuggled into the country by Zimbabwean nationals, the rhinos are believed to have been killed in Zimbabwe. The case is awaiting trial.

### **Rhino conservation activities**

A study of Khama Rhino Sanctuary to hold black rhinos has been done. However a few technical issues have to be resolved before any further animals could be relocated there.

### **Constraints**

All the rhino transmitters in Mombo are not working, this gives officers a hard time with monitoring and security. They have to rely on ear marking under a difficult and dense terrain. As of now about seven animals have moved vast distances from chief's Island and need to be located and translocated back to Mombo. The operation calls for resources such as the helicopter which at the moment the Department's does not have a pilot. Hence we have to look up to the BDF who