

THE ROLE OF THE ENDANGERED SPECIES PROTECTION UNIT (ESPU) OF THE SOUTH AFRICAN POLICE IN COMBATING RHINOCEROS POACHING AND THE SMUGGLING OF RHINO HORN

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INTRODUCTION

South Africa's wild fauna and flora are protected by various laws and provincial ordinances. These laws regulate the trade of wild fauna and flora and products thereof. The laws referred to are:

Transvaal Ordinance	-	12 of 1983
Orange Free State Ordinance	-	8 of 1969
Cape Province Ordinance	-	19 of 1974
Natal Ordinance	-	15 of 1974
National Parks Act	-	57 of 1976

Even the best laws, however, are worthless if they are not enforced. Since 1970 nearly 85% of the world's rhinoceroses have been killed. Market demands from Asian consumers still continue to fuel this unprecedented wave of poaching. To understand the demand it is necessary to convert live rhinos into rhino horn and money.

BACKGROUND

In 1970 the African black rhino was the most abundant species of rhino, conservatively estimated to number at least 65 000 across Africa. The most recent estimate of its total population is less than 3 000 and its numbers are now less than that of the African square-lipped or white rhino. Roughly about 60 000 rhinos were lost in the space of 20 years, which equals 120 000 rhino horns. At an average of 2,8 kg per rhino horn this totals 336 000 kg of rhino horn, all of which have disappeared into Asian markets. The retail price of rhino horn in Taipei, Republic of China, has nearly quadrupled over the past decade. The following table illustrates the investment value of rhino horn in Taiwan:

1979	R 4 000 per kilogram
1985	R 4 000 per kilogram
1988	R11 650 per kilogram
1992	R21 525 per kilogram

During visits to Taipei in Taiwan and Beijing and Guangzhou in the People's Republic of China investigators of the Endangered Species Protection Unit (ESPU) found the wholesale price of African or water horn to average R 8 000,00 per kg. In South Africa the black-market price is between R 2 500,00 and R 8 000,00 per kg. Prior to the establishment of the ESPU by the South African Police, South Africa was accused by the world of impassively standing by while ivory was being smuggled across our borders. The Unit was founded on 30 June 1989 after requests to the South African Police to broaden its services to the community by actively protecting endangered fauna and flora.

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OBJECTIVES

This unit has as its main function the identification of routes by which endangered species, or products such as ivory and rhino horn, are smuggled in or out of the country and the destruction of the organisations behind these schemes. The main goal is the apprehension of not only individuals, but of entire networks. The objectives of this unit are not merely to stop this illegal trade in South Africa, but to encourage all law-enforcement agencies in Africa to join actively in this war started by poachers. While we began with the idea of stopping the illegal trade in ivory and rhino horn, the Unit is broadening its scope to include every endangered species of fauna and flora.

INVESTIGATIONS VERSUS ANTI-POACHING OR UNDERCOVER OPERATIONS VERSUS DEHORNING

The dehorning operation in Zimbabwe was a failure. In September 1993 a total of 332 rhinos were dehorned and by December 1993 at least 80 of these animals had been killed. Even in the areas where poaching is down, rhinos have to be dehorned annually. We had to find a solution elsewhere. To combat the ever-increasing smuggling of endangered fauna and flora effectively, a new approach was necessary. It is no secret that there is an upsurge in crime involving commercial wildlife throughout the world - despite the CITES Convention and worldwide embargoes.

These crimes are highly profitable, and they make more money and resources available to the criminal. To combat this trend the South African Police has had to rethink existing methods of law enforcement in nature conservation and has embarked on a concept that we refer to as "new policing". The first step was the opening of a "front office". This entailed either the hiring of business premises or the use of an existing business. The hiring and activating of a business can create many problems. The purpose for such a venture would be to arrest criminals closing illegal deals. If one enters a curio shop it is obvious that legal transactions will be part of the business. This is not part of procedures usually followed by the South African Police. Consequently we decided on the second choice and used an existing business. We appointed the owner of an existing business as an agent. His business activities are usually in semi-precious gemstones, and in secondhand goods and curios. On choosing a private existing business we solved two problems - the identity of the owner could not be traced to the South African Police and all legal transactions could be handled as usual. This operation takes care of the first-time offender. The second type of operation is where members of the Unit infiltrate a smuggling syndicate. Again this is not a so-called "deep" undercover operation. Contact with the smugglers will be established through either the front office or by using intelligence gathered by members of the Unit.

In one operation in Zambia the ESPU, with the co-operation of the Zambian Species Protection Department confiscated 10 tusks, four horns and three AK-47 rifles and arrested 14 people. A poaching syndicate that operated out of Zambia into Zimbabwe and Botswana was wiped out.

The rhinoceros population in Swaziland was decimated in 1992 and when an onslaught was launched against the remaining few that were being kept in a so-called safe sanctuary, the assistance of the ESPU was enlisted. After a successful operation which led to the extermination of a smuggling syndicate no further poaching incidents have been reported. This and other operations by this unit have led to the protection of South African populations from the same fate as in other African countries. The sight of a rhinoceros with its horn intact, and of elephants, is still common in South Africa.

INTERNATIONAL CO-OPERATION AND MARKETING

On the initiative of this Unit the formation of an international task force by members of law-enforcement organisations in South and East Africa is slowly becoming a reality. A presentation by members of this Unit in December 1992 led to the drafting of the Lusaka agreement, which envisages the formation of a task force to carry out across-border investigations effectively. This is currently being discussed by various governments and could be the most effective tool ever used to stop the trade in endangered species in Africa.

A legal market in rhino horn will certainly depend on the ability of marketeers and law-enforcement officers to distinguish between legally or illegally obtained rhino horn. The use of isotopic analysis as a control mechanism for and before a legal trade must be supported. The research and the acquisition of a database is costly but an absolute necessity. A market-oriented study of the rhino trade in Asian countries must be carried out. This, with all due respect, should be done by a properly qualified analyst and not by a well-known scientist. We have had enough contrasting reports and still do not know what happened to the 336 000 kg of rhino horn that disappeared between 1970 and 1990.

PROGRESS AND ACHIEVEMENTS TO DATE

In 1992, 99 persons were arrested in 52 cases and 84 rhino horns with an estimated value of R 2 016 000,00 were recovered. In 1993 only 44 horns were confiscated in 33 cases and 56 persons were arrested.

In that time the illegal trade in ivory escalated from 292 tusks in 1990 to almost 3 000 tusks in 1993. There could be various reasons for the decline in rhino horn confiscations. The fact is that there are very few rhinos left in Africa. Owing to reasonably good anti-poaching measures and security the losses to poaching in South Africa are minimal. Since 1 April 1990 to the end of February 1994 only 40 South African rhinos were lost to poachers. This must be seen against massive and costly security operations in Kenya and Zimbabwe when the Kruger National Park did not even have an fully operational anti-poaching unit. There is no doubt that we will face an increase in poaching as peace progresses in Southern Africa and we should be prepared for such a situation.

Law enforcement in nature conservation should be recognised as at least just as important as scientific projects. Nature conservation should be able to compete on an equal footing for funds and personnel with its own top managers in the nature conservation agencies. The days that law enforcement officials report to scientists are over. The private rancher should, through their own organisations, such as the Rhino Management Group, form a partnership with official law-enforcement organisations. This will result in joint professional training courses; the situation is definitely too serious merely to appoint people with counter-insurgency war experience. We need people with investigation skills and with knowledge of forensics and ballistics and how to produce evidence in court. To arrest a poacher is the easy part, to prove him to be guilty in court is a different battle to fight.

Non-governmental organisations must be involved in official anti-poaching operations. They should shift their financial support to these operations and could, for a start, offer rewards for information leading to the arrest of a poacher.

CONCLUSION

I wish to point out that the South African Police does not profit from ivory and rhino horn confiscated by the ESPU. Once the court case has been concluded the exhibits are forfeited to the applicable nature conservation agency. It is obvious that the illegal market has been severely disrupted. It is also obvious that we will always have poachers with us and that not even the laws or international embargoes will ever stop them. We are certain that South Africa is now one of the foremost countries in the world fighting against the ruthless extermination of the African rhino. South Africa, together with our neighbouring countries in Southern Africa, has done more than our fair share in the restoration of the laws of nature in Africa, so that order can once again return to our environment.