



WILDAID

**25 YEARS AFTER
CHINA'S RHINO HORN BAN
POACHING PERSISTS**

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ABOUT WILDAID

WildAid's mission is to end the illegal wildlife trade in our lifetimes. We envision a world where people no longer buy wildlife products such as shark fin, elephant ivory and rhino horn. With an unrivaled portfolio of celebrity ambassadors and global network of media partners, WildAid leverages nearly US \$200 million in annual pro bono media with a simple but powerful message, "When the Buying Stops, the Killing Can Too."

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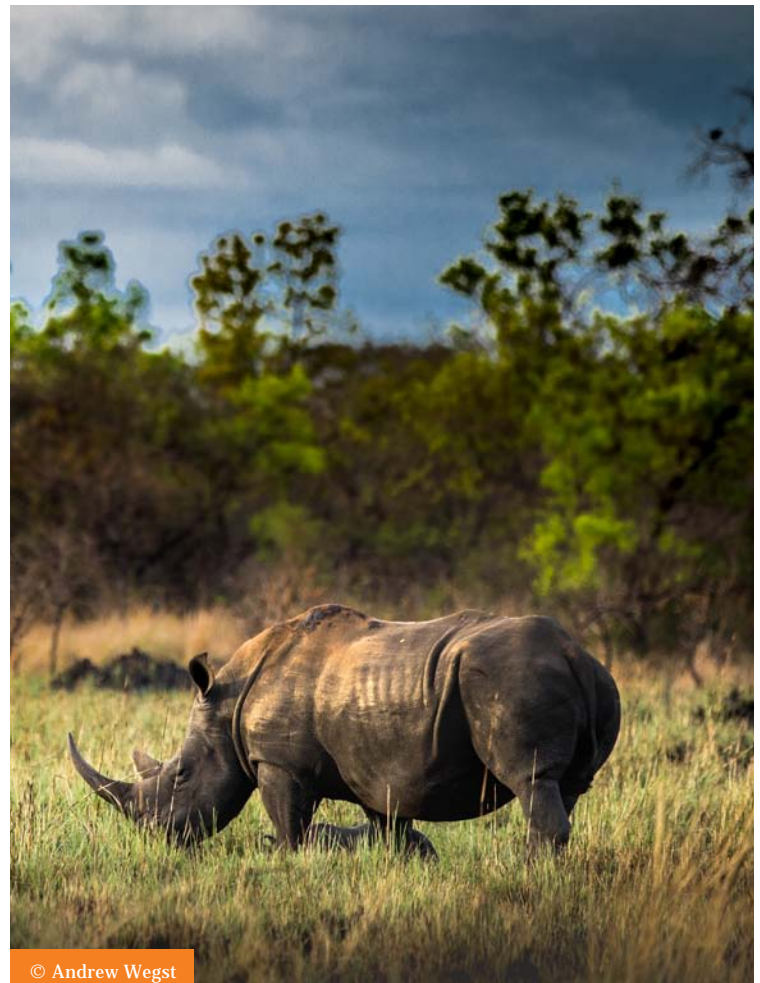
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EXECUTIVE SUMMARY

This year marks the 25th anniversary of China's ban on the domestic sale of rhino horn, and in Vietnam, the second most significant market for the product, a revised penal code banning sales came into effect just this year. A year after the 1993 decision to ban the domestic trade, the Chinese government removed rhino horn from the official traditional medicine books and poaching quickly began to fall.

With rapid economic growth and rising incomes in China and Vietnam, rhino poaching escalated from 13 in 2007 to 1,215 rhinos reported killed in South Africa in 2014 while the price of rhino horn reached US\$65,000 per kg, almost twice that of gold. Vietnam became established as a new market for rhino horn, where it was used as a supposed cure for a number of ailments from cancer to hangovers. It also became a transit country for illegal imports into China.

Previously safe rhino populations in South Africa were targeted at a time when criminality and corruption were rife. Initially the Vietnamese market was supplied by “pseudo hunting” whereby fake trophy hunters carried out legal trophy hunting with the real purpose of illegally supplying the commercial horn trade. When this practice was ended in 2012 – after more than 200 cases – poachers became the principal source of rhino horns. The number of rhinos poached in South Africa has exceeded 1,000 every year since then, much of this inside Kruger National Park, but with a significant poaching increase in KwaZulu-Natal in recent years.

Meanwhile in Asia there has been positive progress with prices falling and consumer awareness drastically improving. By early 2017, investigations in Vietnam and China found that the price of rhino horn had fallen by 70% to roughly half the price of gold.¹ China seems to remain the main source of current demand with reliance on heavy trafficking through Vietnam. The government of Vietnam has strengthened its wildlife crime laws now dictating some of the stiffest penalties, especially for rhino horn. The key will be putting these laws to work with more effective enforcement efforts, especially in curbing the cross-border trade to China.

Unfortunately, poaching continues in South Africa amidst pervasive corruption and failure to prosecute poaching and smuggling kingpins. While some poachers have been killed and some given lengthy prison sentences, the middlemen and leaders of the criminal syndicates, who are known to authorities, have largely gone unpunished. Also, only lip service has been paid to the universally recognised strategy of engaging local communities adjoining the reserves.

Historically, trade bans imposed on rhino horn and ivory have resulted in increased consumer awareness, falling retail prices and poaching declines, as we saw with rhino horn in Taiwan in 1994 (more on page 5) and more recently with ivory and elephant poaching in Kenya and Tanzania. We have made important progress, but several areas for improvement remain:

- Use existing laws to arrest, prosecute and punish prominent sellers and end users in China and Vietnam, not just smugglers
- Continue to raise consumer awareness and further reduce demand in China and Vietnam
- Arrest and punish organizers and kingpins in South Africa and Mozambique, not just poachers
- Crack down with an anti-corruption drive in parks and reserves in South Africa
- Establish a “wildlife court” in South Africa to strengthen judicial effectiveness on wildlife crime
- Improve investigation capacity and speed up criminal prosecutions

¹ *Grinding Rhino- Confidential Dossier*, Elephant Action League (EAL). 2017.

HISTORY OF THE TRADE

The rhinoceros has existed for over 50 million years.² Five species remain, having outlasted several others which have already fallen victim to extinction. Hundreds of thousands of rhinos once roamed Africa before poaching in the 1970s began to decimate many populations, including the black rhino, which fell from 65,000 to 2,410³ by 1995. The global rhino population fell from an estimated 75,000 in the early 1970s to fewer than 30,000 today as a result of poaching for their horns.⁴

For centuries, rhino horn has been used for carvings, libation cups, and as a fever reducer in Traditional Chinese Medicine across China and parts of Southeast Asia. In 1990, researchers at Hong Kong's Chinese University concluded that, while in an extremely high dosage, rhino horn might slightly reduce fever in rats, it was not worth pursuing as a medicine, particularly because acetaminophen works more effectively and for a fraction of the cost.^{7,8} In recent years, horn – often fake – has been peddled as a cancer and hangover cure, and used to demonstrate affluence and social status both as a party drug and as a gift to government officials.¹⁰

In response to a wave of rhino poaching in the 1970s and 80s, all populations of rhinos were listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), thereby prohibiting all international trade in their products. This did not affect domestic sales, however, which continued in China and Taiwan for almost two more decades. Major horn consumers in the 1980s included China, Taiwan and South Korea for use in medicine, and the Middle East, particularly Yemen, for the production of dagger handles.¹⁵ In rapidly expanding economies a greater number of consumers could afford rhino horn products. Rhino populations in Africa began to fall as poaching rates remained at a high level into the early 1990s.

Twenty-five years ago, China's State Council banned the domestic sale of rhino horn, prompting its removal from the Chinese pharmacopoeia, administered by the Ministry of Health. Legal Traditional Medicine practitioners transitioned away from using rhino horn following a six-month sell-off of existing stock and the government began publicizing prosecutions of illegal rhino horn dealers. Further bans in Hong Kong, Taiwan (which had been sanctioned by the Clinton Administration) and Singapore, combined with increased public awareness campaigns, reduced demand for rhino horn and poaching virtually stopped between 1994 and 2008.

For 14 years, rhinos in Africa benefitted from these stringent laws and from public awareness programs, and populations began to recover. But in 2008, South Africa witnessed a sudden increase in

² Prothero, D., *Fifty Million Years of Rhinoceros Evolution. Proceedings of the International Rhino Conference, San Diego Zoological Society.* San Diego Zoo. 1993.

³ Emslie, R. and Brooks, M., *African Rhino. Status Survey and Conservation Action Plan.* IUCN/SSC African Rhino Specialist Group. 1999.

⁴ Leader-Williams, N. "Regulation and Protection: Successes and Failures of Rhinoceros Conservation." Rhino Resource Center, 2002.



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DEMAND REDUCTION HAS WORKED FOR RHINOS BEFORE

Taiwan, with its largely ethnic Chinese population and booming economy, was the largest market for rhino horn in the early 1990s. Horn was widely available in traditional Chinese medicine pharmacies across the island. Criminal gangs were stockpiling horn and driving up its price, spreading rumors to encourage its use and evading law enforcement – much as they are currently doing in such countries as Vietnam. In 1993, under pressure from US trade sanctions, Taiwan enforced a ban on the domestic trade in horn and clamped down on sales of endangered wildlife products in general. Persistent media coverage and public education campaigns ensured that the ban, the medical ineffectiveness of rhino horn and the trade's links to criminals became widely known. At the same time, mainland China banned the sale and medicinal use of rhino horn and it was removed from the official traditional Chinese medicine pharmacopoeia. In 1994 – just a year later – rhino poaching dropped to very low levels across Africa and the black rhino started to recover in numbers. Demand reduction worked and created a lasting cultural shift in Taiwan, where consumers now shun rhino horn.

poaching.¹⁶ The country had previously remained relatively untouched by the poaching seen in the 1970s-80s and had successfully expanded the Southern White rhino population from around 100 individuals in 1895 to over 20,000.¹⁷ In 1994, South Africa's White Rhino population was moved to CITES Appendix II, allowing international trade in live animals and the export of hunting trophies. By 2008, the legal trophy hunting industry in South Africa was infiltrated by Southeast Asian organized crime via a pseudo-hunting scheme, which allowed hundreds of rhino horn trophies to be exported from South Africa to Vietnam.

South Africa – home to the world's largest rhino population – has become the center of the poaching crisis over the last decade. Despite efforts by CITES in 2010 to increase protection for rhinos – as member countries committed to increased law enforcement, anti-poaching initiatives, and trade controls – 448 rhinos were poached in South Africa in 2011, compared with just 13 in 2007. In 2014, South Africa lost a record 1,215 rhinos to poaching, with 68% killed in the Kruger National Park.¹⁹ In 2016-17, the reported number of rhinos killed by poaching in South Africa was about 1,000 with a significant increase in poaching incidents in KwaZulu Natal.



WHY HAS KRUGER FAILED?

South Africa's Kruger National Park is home to the world's largest population of rhinos. Just under 20,000 square kilometers, Kruger lacks the manpower needed to effectively monitor the park. It's bordered by areas of high unemployment and poverty, including a long, porous border shared with Mozambique, a country affected by corruption and lacking in harsh penalties for wildlife crime.

The rise in poaching has been attributed to improved trade links, increased affluence in Asian countries, consuming nations' growing presence in Africa, involvement of organized crime, and the emergence of Vietnam as a new major importer. Demand for rhino horn for use in traditional medicine and as a speculative asset in Asia appears to have grown in recent years. The desire for a magical cancer cure in Vietnam may be the result of the 150,000 new cases diagnosed in the country annually, combined with a shortage of radiotherapy machines, which leaves many people to die before they can be treated.

CURRENT DEMAND FOR RHINO HORN

After the surge in demand for rhino horn in China and Vietnam and the dramatic increase in rhino poaching in South Africa since 2008, there have been improvements in consumer awareness and attitudes as well as a 70% decline in rhino horn prices in China and Vietnam. Despite the international and domestic bans in China and Vietnam, consumer demand on the black market continues to drive ongoing poaching.

According to the Elephant Action League's undercover investigation in late 2016, traders in China identified Vietnam as their main supplier, and Vietnamese traders confirmed the relationship, claiming 80% of their buyers were Chinese.⁵ In China, rhino horn is rarely displayed or sold over the counter in retail stores as it was in the past. In response to increased efforts to crack down on the illegal trade in recent years, rhino horn is now sold primarily through social media platforms, especially WeChat. WeChat allows the buyer and seller to communicate privately, and payments are often made directly through WeChat or Alipay, both mobile payment systems.⁶ Sellers often promote their products in chat groups comprised of people they trust and have dealt with before. This makes enforcement (and obtaining market data) often much more difficult.

⁵ *Grinding Rhino- Confidential Dossier*, Elephant Action League (EAL) 2017.

⁶ Crosta, A., Sutherland, K., & Talerico, C., *Grinding Rhino- An Undercover Investigation of Rhino Horn Trafficking in China and Vietnam*. Elephant Action League. July 2017. <https://elephantleague.org/wp-content/uploads/2017/07/Grinding-Rhino-July2017-Elephant-Action-League.pdf>

REDUCING THE DEMAND

In 2013, WildAid and the African Wildlife Foundation launched a joint public awareness campaign to reduce demand for rhino horn in China, and one year later, in Vietnam. The campaigns aimed to raise awareness of the rhino poaching crisis, support Vietnamese lawmakers in banning rhino horn sales and increasing enforcement efforts there and in China, and to measurably reduce demand for rhino horn. Dozens of popular and well-respected celebrities such as former NBA star Yao Ming, actor and martial arts icon Jackie Chan, actresses Li Bingbing and Maggie Q, singer Jay Chou, entrepreneur Sir Richard Branson, Prince William and soccer star David Beckham, have lent their names to the effort in the form of high-impact, culturally sensitive messages, which have alerted several hundred million people to the plight of the rhino.

THE IMPACT OF PUBLIC AWARENESS CAMPAIGNS

In 2012, WildAid, the African Wildlife Foundation, and Horizonkey Research Consultancy Group interviewed 963 residents in Beijing, Shanghai, and Guangzhou to better understand awareness, attitudes and behavior regarding rhino horn consumption and the rhino poaching crisis.

Two years later, when the survey was repeated, knowledge that horns come from poached rhinos had increased by more than half (50% in 2014 from 33% in 2012), while belief in the medicinal value of rhino horn had fallen by 23.5%.⁷ Over 90% of participants believed poaching posed a serious or very serious threat to rhinos (up from 74%). Of the 40% who had seen WildAid PSAs featuring Jackie Chan or Yao Ming, more than 90% said they would not buy horn after watching them.

In Vietnam, surveys show even greater progress since WildAid, the African Wildlife Foundation, and local Vietnamese NGO CHANGE launched their joint campaign. In 2014 and 2016, the campaign partners and the Nielsen Corporation conducted consumer surveys of 400 residents in Ho Chi Minh City and Hanoi to gain insights into participants' awareness and beliefs about rhino horn and attitudes toward the trade. The 2014 survey showed that, prior to the campaign, 69% of Vietnamese residents believed that rhino horn had medicinal benefits. But the 2016 findings showed a drop to

⁷ *Rhino Horn Demand 2012-2014*. WildAid. 2015. http://wildaid.org/wp-content/uploads/2017/09/Rhino-Horn-Report_Final_v2.pdf



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just 23%, a 66% decline.⁸ Only 9.4% of respondents believed rhino horn can cure cancer, down from 34.5% in 2014. More than half of respondents are now aware that rhinos are killed for their horns: 54% in 2016 versus 31% in 2014, a 74% increase. Further highlighting the impact of the campaign, 89% of people who have heard rhino protection messages recognized WildAid's slogan and 99% agree the messages are useful and discourage people from purchasing rhino horn.

These surveys demonstrate that demand reduction campaigns are having an impact. Following WildAid's high-profile *Nail Biters* campaign which starred more than 25 Vietnamese celebrities and international figures like Sir Richard Branson biting their own fingernails, the survey found a 258% increase in the participants' knowledge that rhino horn is composed of substances found in hair and fingernails, compared with two years earlier.

RHINO HORN PRICES HAVE FALLEN BY OVER 70% SINCE 2014

At its peak in 2011, prices for rhino horn were quoted in Hanoi at more than double the price of gold – a staggering \$80,000/kg. A study by Esmond Bradley Martin and Lucy Vigne released in 2016

found that wholesale rhino horn prices had declined by 50% in China and Vietnam from US\$65,000/kg in 2012-14 to \$30-35,000/kg in 2015. An Al Jazeera report in late 2016 corroborated those findings, citing a price decline in China from \$60,000/kg to less than \$29,000/kg in 2016.⁹ Over the course of their investigation, Martin and Vigne found dealers who ascribed falling prices to “oversupply.” One could argue that oversupply is the result of declining demand as the number of rhinos poached is relatively stable, further indication that demand reduction campaigns are having an impact.

Since then, further declines in the price of rhino horn have been documented. An investigation by the Elephant Action League (EAL) in China and Vietnam in late 2016-early 2017 found that the price of rhino horn had fallen to as low as US\$14,500/kg, less than half of gold's US\$39,000/kg value, although regional fluctuations were observed.¹⁰ The EAL report ‘Grinding Rhino’ identified the price of a whole raw rhino horn as “between \$26,500 and \$40,000/kg”. However, the accompanying confidential dossier of transcripts from undercover interviews with traders showed that in October 2016, investigators were quoted far ranging prices of RMB 100,000/kg (US\$14,500/kg) and VND 90 million/100g (US\$40,000/kg) by Vietnamese traders.¹¹ At these levels, the decline amounts to a 70%-77% decline over 2014 prices.

8 *Rhino Horn Demand Vietnam 2017*. WildAid. 2017. <https://wildaid.org/wp-content/uploads/2018/05/Rhino-Horn-Demand-in-Vietnam-2017.pdf>

9 Rees, P., Swisher, C., Jordan, W., & Davies, D., *The Poachers Pipeline*. Al Jazeera. 2016. <https://www.aljazeera.com/investigations/the-poachers-pipeline/>

10 *Grinding Rhino- Confidential Dossier*, Elephant Action League (EAL). 2017.

11 *Grinding Rhino- Confidential Dossier*, Elephant Action League (EAL). 2017.

WHOLESALE PRICES OF WHOLE RAW RHINO HORN AS QUOTED TO UNDERCOVER INVESTIGATORS (US\$)

	2012-14	2015-16	2016-17	
MEAN PRICE ESTIMATE	\$60,000	\$30,000	\$18,000	
		50%	70%	% DECLINE IN MEAN ESTIMATE FROM PEAK
PRICE RANGE	\$65,000–\$60,000	\$35,000–\$29,000	\$24,500–\$14,500	
			78%	% DECLINE IN LOWEST FROM HIGHEST

LEGALIZATION: THE CASE AND THE PROBLEMS

In the past, South Africa and other southern African nations have attempted to legalize trade in rhino horn, but to date their proposals have been rejected by the rest of Africa and by the international conservation community. South Africa would like to sell government stockpiled horns and possibly to allow private owners to sell horns from their dehorned animals, believing that a legalized trade would provide much-needed funding for security and would lower the price of horn and therefore the attractiveness of poaching.

Opponents argue that opening a legal rhino trade would legitimize the use of rhino horn and that marketing it could greatly stimulate demand for the product. It would also facilitate the laundering of poached rhino horn and put even more pressure on rhino populations. They note that the experiment was recently tried when China was permitted to import a large quantity of ivory, resulting in increased demand, laundering of poached ivory and a catastrophic upsurge in poaching across Africa's elephant range States.

VIETNAM A SIGNIFICANT SUPPLY ROUTE TO CHINA

Many of the Chinese traders interviewed by EAL in 2016-17 mentioned their primary source for rhino horn was coming in from Vietnam, while most Vietnamese traders said their clients were mainly from mainland China. The border between Vietnam and China offers multiple crossing points where rhino horn and other wildlife products (ivory, pangolin, tiger parts) are smuggled, as outlined in several investigative reports (e.g., EAL Grinding Rhino):

“Rhino horn and other wildlife contraband generally moves from Vietnam to the Guangxi or Yunnan Provinces and then to China’s primary retail markets (Guangdong, Fujian, Zhejiang, Beijing). Local populations at the China-Vietnam border use the smuggling business as a means to support themselves and their families. Smugglers tend to use individuals to transport contraband across the border; individuals can more easily pass through the border (via a port of entry or via illicit routes) without inspection or detection. Official ports of entry and private border crossings are both used to smuggle goods, but private crossings have weaker security. Most high-crime smuggling occurs via mountain and land routes, but moving goods across the border via boat is still a common practice in some areas. In Vietnam, wildlife dealers claim to have relationships built with shipping companies so that they can ship contraband directly to customers throughout China. Similar routes are used by smugglers for all types of contraband, including illegal arms and narcotics. The corruption exhibited by customs and law enforcement authorities in Vietnamese and Chinese border regions is substantial; fining smugglers and taking bribes is standard practice at most ports of entry.”¹²

— EAL GRINDING RHINO REPORT (2017)

The recent cases of rhino horn and ivory smuggling from Angola by a Vietnamese smuggling ring adds more evidence to previous reports of similar syndicates operating in Mozambique, South Africa and other African countries sourcing and smuggling wildlife products to Vietnam and on to China. These networks also use transit routes through Thailand, Laos and Cambodia.

NEW AND IMPROVED LAWS IN VIETNAM BUT NO SIGNS YET OF A POSITIVE EFFECT

In June 2017, Vietnam’s National Assembly passed a law

¹² Crosta, A., *Grinding Rhino- An Undercover Investigation of Rhino Horn*.

¹³ *Wildlife Trafficker Gets 13 Months in Prison*. VietnamNet. March 21, 2018. <http://english.vietnamnet.vn/fms/environment/197592/wildlife-trafficker-gets-13-months-in-prison.html>

¹⁴ Ferguson, S., *Former Hanoi Customs Officer Gets 16-Years Following Ivory and Rhino Horn Theft From Government Warehouse*. TRAFFIC. August 29, 2018. <https://www.traffic.org/news/former-hanoi-customs-officer-gets-16-years/>

amending and supplementing articles set forth in its 2015 Penal Code, many relating to regulations on management and protection of wildlife and outlining harsher sentencing for wildlife crime, demonstrating the government’s commitment to deter such illicit trade. The revisions, which took effect on January 1, 2018, increased prison terms up to 15 years (up from 7 years) and fines up to US\$645,000 for corporations and US\$215,000 for individuals, covering more wildlife species, and applying to corporate entities as well as individuals, with the most severe penalties reserved for wildlife trafficking syndicates.

The new regulations effectively ban the domestic rhino horn trade, although, without adequate implementation, they are merely words on paper. As of September 2018, implementation of these new regulations remains slow, with few new cases prosecuted and even fewer syndicates taken down. In March, the suspected mastermind of a trafficking ring involving trade of ivory, rhino horn and pangolins from Africa to Vietnam was given a mere 13-month sentence.¹³ However, there are some recent signs of progress: the late August imposition of a 16-year prison sentence to a former Hanoi Customs official for his involvement in stealing and selling seized rhino horn and ivory from a Customs warehouse drives the message across that the government is starting to take such crimes seriously.¹⁴

At the same time, expectations remain high for enforcement agencies in Vietnam to crack down more proactively on wildlife crime using the new regulations for more effective prosecutions. With some of the strongest regulations now in place, the authorities in Vietnam must demonstrate their resolve by dealing with corruption and shutting down wildlife smuggling.

DEHORNING AND POISONING NOT VIABLE SOLUTIONS

While dehorning by tranquilizing and removing the majority of the horn should, in theory, act as a disincentive to poach, these measures have not proved effective. In many reserves where rhino populations have been dehorned, many have still been shot for the remaining stump, the circumference and weight of which make it a still-profitable item for poachers. In addition to the ongoing poaching risk, dehorning (and continuing to remove new growth each year) a large population of rhinos is expensive – costs include sedation drugs, helicopter hours/fuel, and secure storage for the horn – and danger to the animals themselves, as sedating such large mammals runs many inherent risks (including myopathy, extreme stress and unexpected drug interactions). Poisoning the horns entails similar costs, has the same sedation-related risks, and would require regular upkeep as the horn grows over the animal’s lifetime. Additionally, the ecological impacts of altering rhinos’ horns have not been adequately studied.



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POACHING IN SOUTH AFRICA CONTINUES, AIDED BY CORRUPTION

Despite increased awareness and falling prices, poaching remains at very high levels. This should be viewed, in part, in the context of South Africa's failing judicial system, which has seen numerous suspects bailed, acquitted, given paltry fines and, in the case of non-citizens, deported.

Hundreds of poachers are reported to have been killed in the Kruger National Park, but this has not – and will not – reduce the poaching numbers. But few middlemen and even fewer kingpins have been brought to justice. The country continues to publish

news about the hundreds of arrests and shootings of poachers in and around the Kruger National Park, and there have been reports of lengthy prison sentences for some. But alarming numbers of perpetrators at all levels of the illegal trade chain are being bailed or having the cases against them dropped, even when they are repeat offenders. Among those who have evaded punishment are the notorious Dawie Groenewald, nicknamed “the butcher of Prachtig”, and the “Boere Mafia”, a group comprised of professional hunters, game farmers and veterinary staff responsible for the deaths of dozens of rhinos.

In July 2018 it was announced that the trial of Dawie Groenewald, first arrested in 2010 and charged with over 1700 offences, would begin in February 2021. While a hiatus was inevitable after the Constitutional Court's ruling that the 2009 moratorium on domestic rhino horn trade was unlawful, a further three-year delay (following a previous seven-year delay) indicates that nothing has been done to clean up the South African courts. Groenewald and his gang still face over 1600 charges and one member of the gang had his bail revoked after allegedly re-offending while out on bail.¹⁵

¹⁵ Lange, I. D., *Rhino Poaching Charges Against Alleged Gang Members to Go Ahead*. Citizen News. July 2, 2018. <https://citizen.co.za/news/south-africa/1968459/rhino-poaching-charges-against-alleged-gang-members-to-go-ahead/>

A WEB OF CORRUPTION IN KWAZULU-NATAL

South African conservationists have pointed to corruption within the judiciary as a major obstacle to rhino conservation. NGO Saving the Wild has been quoted as saying that a “web of systematic corruption” exists within the justice system in Kwazulu-Natal province, and that “no action has been taken against this grossly corrupt alleged syndicate of justice officials.”

Others have accused rangers, police and government officials, including magistrates, of being corrupted by powerful criminal forces.

A police informant is reported to have admitted to the BBC that he acted as middleman between rhino horn smugglers and a court syndicate in Kwazulu-Natal, alleging that he passed money from a lawyer representing rhino horn kingpins to individuals within the judiciary. He stated that the lawyer was his uncle and that “If you want your case to be withdrawn or if you want everything to just disappear you just go to him.”¹⁶

The informant’s most high-profile allegation involves suspected rhino-horn kingpin Dumisani Gwala who, three years and 20 court appearances since his arrest, has still not been tried.

NGO Saving the Wild has also made serious allegations against a number of other members of the judiciary in Kwazulu-Natal. It remains to be seen whether any action is taken against them.

¹⁶ Leithead, A., *South Africa Rhino Poaching: 'Web of Corruption' Blamed*. BBC News. April 19, 2018. <https://www.bbc.co.uk/news/world-africa-43821674>

¹⁷ Naidoo, M., *Court President Suspended as Damning Allegations Come to the Surface*. IOL. September 9, 2018. <https://www.iol.co.za/news/south-africa/kwazulu-natal/court-president-suspended-as-damning-allegations-come-to-the-surface-16963395>

¹⁸ Bloch, S., *Fury at Release of Rhino 'Pseudo-Hunt' Kingpin*. Oxpекkers. <https://oxpeckers.org/2018/09/chumlong-release>



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In September 2018, the Magistrates’ Commission suspended Kwazulu-Natal’s regional court president Eric Nzimande, one of the people accused of being a part of a corrupt syndicate of magistrates and prosecutors.¹⁷

NOTORIOUS CONVICTED THAI TRAFFICKER RELEASED EARLY

In September 2018, notorious Thai rhino horn trafficker Chumlong Lemtongthai was released after serving only six years in jail. When Lemtongthai was first sentenced in 2012, the magistrate said that he wanted to send a “shout to the community and the Asian block that these actions will not be tolerated. I don’t want a situation where my grandchildren will only see a rhino in a newspaper. We have to protect our flora and fauna.”

Initially sentenced to a record 40 years, Lemtongthai’s lawyers appealed and the term was reduced to 30 years by the Pretoria High Court in 2013. The following year, that sentence, too, was reduced to 13 years by South Africa’s highest court. The judge commented that the High Court had been wrong in asserting that Lemtongthai was part of a criminal syndicate and that “equating the appellant with typical poachers was unwarranted.”¹⁸

Also in September 2018, the management of the Kruger National Park accused the Chief Magistrate of Mpumalanga and the Skukuza District Court of “sabotaging the war on rhino poaching.” The complainants claimed that the court had previously boasted a

99.8% conviction rate and “up to recently had a 100% success rate in opposed bail applications.” Now, however, possession of an unlicensed firearm inside the park can be punished by a R3,000 (US\$200) fine. The result, said the complainants, was an increase in the number of poaching incursions into the park and increased contacts between poachers and rangers.¹⁹

RECOMMENDATIONS FOR SOUTH AFRICA:

Minister Edna Molewa, speaking at a rhino awards ceremony in August 2017, said “The men and women whose efforts we are acknowledging here today have played an instrumental role in combating poaching in our country, and it is our responsibility to support them in any way we can.”²⁰

While this is a worthy sentiment, it is clear that the men and women on the frontline of the rhino crisis have been – and continue to be – let down by the self-inflicted failure of South Africa to take on that responsibility.

What has been lacking, first and foremost, is political will at the highest levels of government, such as has been seen in Tanzania in recent years. Elephant poaching is reported to have fallen by over 50% since President Magufuli took office, and numerous lengthy prison terms have been handed out, not just to poachers but to individuals much further up the criminal chain. The link between healthy wildlife populations and a healthy tourism industry has been acknowledged at the very top of government.

If South Africa values its tourism industry, which supports the livelihoods of seven people for every individual employed, the country needs to find an alternative to the current strategy of simply chasing down the poachers. There will always be more poachers if the structure of the criminal chains remains intact. South Africa needs to focus on removing the kingpins, both local and foreign, and ensuring that they receive adequate punishment.

The shocking decision to release Chumlong Lemtongthai simply reinforces the belief in the criminal mind that jail sentences are merely guidelines to the amount of time that will actually be served. The paltry fines and deportations of east and south-east Asian criminals that have repeatedly followed high-profile and expensive court cases cannot even vaguely be considered a deterrent.

Despite the seriousness of the criminal activity surrounding the rhino trade, it is – compared with the illicit drugs trade – a relatively concentrated problem. There are around 1,000 rhinos poached a year in South Africa, according to official statistics. So while the profit margin on a horn may be high, the volume is low, making it a relatively contained illegal activity. There are thought to be only two or three primary syndicates involved.

1. South Africa could establish a wildlife court, with prosecutors and judges specifically trained to deal with wildlife crime and known to be above reproach. If required by the Bill of Rights, this court could be granted specific powers to travel to regions where the accused are domiciled and to provide defense lawyers for the accused.

Alternatively, all judges, magistrates and prosecutors could be trained to address wildlife crime cases, and a wildlife crime government watchdog set up to ensure transparency and accountability.

2. The South Africa Police Service (SAPS) could establish a specialized team with the specific job of apprehending the middlemen and kingpins of the rhino trade. They would be trained to gather information on the movement of money both within and beyond South Africa. They could track suspected kingpins using cyber intelligence as well as the more traditional methods of monitoring economic activity. By now, after a ten-year onslaught on its rhinos, South Africa should have a very detailed picture of the activities of key rhino crime perpetrators and their contacts, both within the country and outside. By now, the moment an individual connected with these criminals sets foot in the country, the enforcement authorities should know about it. By now, every bank account connected with these individuals should be under permanent scrutiny. This is clearly not the case.
3. Rapid and effective prosecutions have to take place to ensure that rhino crime does not pay. South Africa should establish a case review mechanism to evaluate existing cases and provide recommendations to speed up the criminal prosecution of rhino poachers, middlemen and kingpins.

The Department of Public Prosecutions should provide a number of highly-trained prosecutors to work with the SAPS Directorate of Priority Crime Investigation, to improve case handling and investigation, delivery of prosecution packages, and vigorously deny bail to repeat offenders.

4. Specialist investigators should be trained to use the equipment and technology already available in South Africa: analysis of cellphone data, crime scene forensics, human DNA analysis and techniques for guaranteeing the integrity of crime scenes are all vital tools in the detection of rhino criminals. There is no excuse for cases to be thrown out on technical issues relating to the building of cases.

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RHINO POACHING IN SOUTH AFRICA: LET STANCE ON POACHING SIGNAL A RETURN TO LAW AND ORDER

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President Cyril Ramaphosa faces many challenges in moving South Africa forward, but there is a decade-long crisis that should be addressed at this “moment of hope and renewal” and which could signal a new determination and rule of law that will reflect positively on the entire nation and inspire hope for the future.

The gutting of intelligence agencies, turmoil in the Hawks and the erosion of the capacity to combat organized crime are among the gravest challenges Ramaphosa faces. If the country cannot effectively address rhino poaching, then what hope is there for drug smuggling, kidnappings, cash-in-transit heists and robberies?

South Africa is home to 80% of the world’s rhinos and they are a key attraction for the tourism industry.

Yet, in the past decade it has experienced unprecedented and horrific poaching — now at around 1,000 animals a year. Some 93% of South Africans think rhino poaching is a problem for all South Africans, according to a WildAid survey. Hundreds of millions of rands have been poured into the militaristic antipoaching effort centred on Kruger National Park and millions of dollars of high-tech equipment donated. Rangers have risked their lives to defend rhinos.

However, while some poachers have been killed and some given lengthy prison sentences, the middlemen and leaders of the criminal syndicates, who are known to authorities, have largely gone unpunished. Also, only lip service has been paid to the universally recognized strategy of engaging local communities adjoining the reserves.

Be it the liquor Prohibition wars in the US or international drug wars, organised crime has never been dismantled by taking out the foot soldiers, only by breaking up the structure and taking down the leadership.

From the Groenewald case to the Ras case to the gun-running syndicate exposed on the Carte Blanche report with Kathi Austin, there are more than a dozen examples of perpetrators being granted bail, only to flee and reoffend, and repeated court appearances, sometimes for years on end, resulting only in bail. The few middlemen prosecuted get short sentences, a fraction of those handed to poachers.

Foreign members of rhino-trafficking syndicates have in some cases been repatriated without punishment. The investigation of a cabinet minister was quietly dropped, court dockets have “gone missing”, and one serious case has been postponed 17 times. With the poaching organizers seemingly operating with impunity, the slaughter continues.

In Vietnam, new laws have been passed banning sales of rhino horn, and the price of horn has dropped by two-thirds as public awareness has grown. Only a third of the Vietnamese people who once believed that rhino horn helps against cancer still believe it. There is a long way to go in enforcement in Asia and eliminating the market, but there has been considerable progress.

Ramaphosa has an opportunity to make a fresh start and solve the crisis. He could switch from the largely militaristic approach to intelligence-based disruption and the dismantling of the syndicates. He could appoint a special court with experienced prosecutors and magistrates who can travel where needed, recognize the seriousness of the crisis and have the integrity to truly break up the syndicates.

He could enlist the cooperation of Mozambique in exchange for community engagement and support around Kruger’s borders, to give people a stake in protecting wildlife and alternatives to poaching.

In this way, he could save South Africa’s rhinos and set a benchmark for dealing with all the other tough challenges ahead.



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