

# South Africa and the legal horn trade

Poaching for horn remains a persistent threat to rhinos across their natural range. Some populations are more heavily targeted than others, but none seem completely safe, despite more than four decades of international trade prohibition and related measures implemented under the CITES (Convention on International Trade in Endangered Species) framework.

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**M**any rhino custodians and land managers, especially those in southern Africa, have become sceptical that the trade ban is the best approach, and the government of Eswatini has submitted formal legal trade proposals twice to CITES. However, resistance to the idea of legal trade remains strong.

South Africa (SA) remains the country with the world's largest rhino populations and, during the last decade, has also faced the greatest poaching pressure. Prior to the 2016 CITES Conference of Parties (CoP), an official Committee of Inquiry deliberated whether SA should submit a legal trade proposal, but decided that certain conditions first needed to be met and that the country was not ready.

Shortly after the 2016 CoP, two private rhino owners won a court case against the Government, effectively overturning a 2009 moratorium on domestic trade within SA's borders. Since then, rhino horn trade has been technically legal again within the country. In reality, however, very little has changed.

Prior to the 2009 moratorium, the SA Government imposed substantial restrictions on all private owners and custodians of certain listed endangered wild species, including rhinos, through the 2007 Threatened or Protected Species (ToPS) regulations.

These regulations have amounted to onerous bureaucratic constraints on a range of rhino-related activities, including hunting, darting, dehorning, or translocating an animal, as well as storing or moving horn(s). Each and every one of these activities requires a permit application from one or more of the nine relevant provincial authorities, enabling close monitoring but also resulting in delays and high risks of sensitive information leakage.

For many landowners, the ToPS regulations have effectively converted the listed species from assets into liabilities and a careful analysis would most likely reveal them to have catalysed the critical turning point of SA's hitherto remarkable white rhino recovery success story. Today, private rhino owners find themselves hamstrung and are becoming desperate in the face of ever-escalating security costs and risks. Since the SA government lost the court case, it has drafted further trade regulations (still pending final approval) and continues to enforce the existing ones strictly.

In April 2019, there was a seizure of 167 rhino horns due to a simple permit violation. This is evidence that the SA Government has the legal domestic trade situation under very tight control.

In any event, to the very limited extent (if at all) that a workable legal domestic trade in SA can be said to exist, it is of virtually no benefit to any rhino owners or rhinos who might otherwise gain from the protection that the proceeds from sale might buy them. Until we decisively come to grips with the real issue - i.e. the persisting Asian demand for a commodity with the allure of combined unique aesthetic and mythological healing properties - wild rhinos, and the good folk who are trying to conserve them, will continue to struggle.



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