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The Illegal Trade in Rhino Horn

Although there is an almost total ban on trade in rhino horn, people can still buy beautiful artefacts carved out of it, provided they are antique, while hunting trophies have caused major disruption to the protection of these animals. And we have already seen how difficult it is to investigate what is happening on the ground. We do, however, have some pointers.

We are going to consider two countries, South Africa, home to most of the world's white and black rhinos and which, despite its best efforts, still provides most of the rhino horn that is illegally traded, and Viet Nam, which, for a time, became the most important consumer country as China managed to reduce though not eradicate demand. Now demand in Viet Nam is showing signs of decline, but unfortunately, in recent years there has been an upsurge in demand in China, whose consumption may well be outstripping that of Viet Nam.

But first some legislation.

18.1 South Africa's Legislation

This is where we begin to see the important role sustainable use plays in our story.

Although South Africa was the 15th country to become a Party to CITES, signing in 1975, it was very slow to implement the treaty provisions into its national legislation. The result was that each of the nine provinces had its own laws, and the whole system was fragmented.

Twenty years later, the National Environment Management Act 107 of 1998 (NEMA) was passed. This was the first Act to establish the principal of sustainability. Nature conservation activities were prescribed, and it was clear that the use of renewable resources must not exceed the level '*beyond which their integrity becomes jeopardised*'. Applying this to our story, both elephant ivory and rhino horn could be used to generate income, but that use had to be carefully controlled.

Two other pieces of national legislation are important in the regulation of wildlife management, the National Environment Management: Biodiversity Act 2004 (NEMBA), and the Threatened or Protected Species Amendment Regulations 2008. They apply to both black and white rhinos, which are listed in NEMBA as '*an Endangered Species*' and '*a Protected Species*', respectively.

18.1.1 Viet Nam's Legislation

Viet Nam became a Party to CITES in 1994. However, its provisions were only implemented in 2006 in a very thorough piece of legislation, the Decree 82/2006/ND-CP on management of export, import, re-export, introduction from the sea, transit, breeding, rearing and artificial propagation of endangered species of precious and rare wild fauna and flora. This law applies to all nonindigenous species of rhinos, and any allowances for exceptional trade require CITES permits. These permits, which are used to import white rhino trophies from South Africa (they fall within CITES Appendix II), have now been strengthened because of the involvement of some Vietnamese in exploiting the system.

Punishments for breaking the law are set out in another decree.¹ Or the revised Penal Code if a serious or criminal offence has been committed. The severity of a crime is determined by the value of the goods seized plus a number of other factors such as:

- The offence is organized.
- The offender has abused his position.
- The offender has abused the power resulting from his position.
- The hunting has occurred in a prohibited area or in prohibited seasons.
- It has caused severe or exceptionally severe consequences.

The result can be a maximum fine of 500 million Vietnamese dollars (USD29,000) and up to 7 years in prison.

¹ 99/2009/ND-CP on Sanctioning of Administrative Violations in the Domain of Forest Management, Forest Protection and Forest Product Management.

18.2 The 'Surveys'

Because rhino horn cannot be sold per se, the closest approximation we have to our elephant ivory surveys is the kind of undercover investigation the EIA carried out and that we looked at earlier in our story (Case Study 3). When they visited pharmacists in southeast Asia, they found that the horn was more valuable per ounce than cocaine, and every bit, even the tiniest pieces, was being bought up.

They followed the trail of the smugglers to Taipei in Taiwan, working undercover and pretending to be potential buyers. One dealer they spoke to had a stock of incredibly rare horn from Asian rhinos. He claimed the government didn't have its own policy on rhino horn but merely reacted to outside pressures. Furthermore, pharmacists were warned before police carried out raids on their shops, and even when rhino horn was found on any premises, the owners weren't prosecuted.

When the investigators visited the market in China, although no rhino horn was openly on sale, they were told yet again that it was available, although the traders were very suspicious of potential buyers. And here as elsewhere, any available horn was immediately bought up by the traders because of its great value and potential to increase in value.

By the mid-2000s, the action had moved to Viet Nam where rhino horn suddenly became an important part of the trade in both traditional uses for medication and newly found uses such as '*cures for cancer*'.

A survey carried out in 2004 of the main markets and shops in and around Hanoi that were selling animal-based traditional medicines found three traders who could not only sell rhino horn, provided it was ordered in advance, but could also guarantee its quality. Furthermore, at least half of the shops in the traditional medicine centre in Hanoi, and about 70 shops with several similar businesses in adjacent streets, most of them both wholesale and retail, were correctly registered and held business licenses with the Department of Trade for wholesale and retail traders or held practicing licenses issued by the Department of Health for traditional medicine practitioners, sometimes both.² Unfortunately though, this was no guarantee of either quality control or of restricting/banning the sale of endangered species.

Ho Chi Minh City, which is the major distribution centre for traditional medicine products in the south of the country with more than 500 businesses

²Nguyen and Nguyen 2008, see Milliken, T. and Shaw, J. (2012) *The South Africa – Viet Nam Rhino Horn Trade Nexus: A deadly combination of institutional lapses, corrupt wildlife industry professionals and Asian crime syndicates*. TRAFFIC, Johannesburg, South Africa, p.125.

based there, was also surveyed in 2004. It was found that *'medicinal products from wild animals were conspicuously and routinely available for sale, including...rhinoceros horn...provided the price negotiated was high enough'*. This was, despite the fact that it was illegal to sell all the species on offer. In fact, larger cities all have traders in traditional medicines. *'Rhino horns are traded secretly in Viet Nam, even if it is a rather 'open secret' in many local markets'*.³

More recent research by TRAFFIC discovered that there were at least two major wholesalers of rhino horns who were reported to be supplying them to shops selling traditional medicines, hospitals and clinics throughout the north of the country.⁴

Nor were traditional medicine dealers the only sellers. Indeed, local environmental groups *'are increasingly of the opinion that rhino horn marketing is taking on a whole new dimension'*.⁵ Much of the horn was fake. Some outlets seemed bizarre, with trade in rhino horn bearing absolutely no resemblance to the actual purpose of the shop. A curious example was the badminton racket shop discovered by TRAFFIC market researchers in May 2009. Its main business was re-stringing badminton rackets, but it also carried a very obvious sign advertising *'rhino horn bowls'* for sale. You bought your rhino horn and then ground it to a powder in these special bowls!

Unlike the ivory outlets, which were only there to sell ivory, legal or possibly illegal, often these shops were contact points where potential consumers could be put in touch with suppliers. Or they could use rhino horn *touts*, who targeted the very sick and the terminally ill, often with cancer, and who were normally to be found around certain hospitals, particularly in Hanoi and Ho Chi Minh City. Some were even on the staff,⁶ although that did not necessarily mean that the patient's primary doctors were either involved with such contacts or even agreed with them.⁷

³ Ibid.

⁴ Ibid, p.126.

⁵ Ibid, p.128.

⁶ TRAFFIC market research, May 2009; Smith, 2012b in Milliken and Shaw(n.337).

⁷ Milliken, T. and Shaw, J. (2012) *The South Africa – Viet Nam Rhino Trade Nexus: A deadly combination of institutional lapses, corrupt wildlife industry professionals and Asian crime syndicates*. TRAFFIC, Johannesburg, South Africa, p.128.