OVERVIEW

Since 2007, rhino poaching has been occupying the attention and resources of conservationists both in South Africa and worldwide. What started as a low-level poaching concern soon escalated into what is now regarded as a complex crisis involving a real threat to biodiversity and the tourism economy via sophisticated and well-funded global criminal syndicates. And as each subsequent year has passed, the reported ever-higher losses at the hands of the poachers, the sense of outrage and the need for urgency in putting in place efficient and effective counter-measures has grown with calls for greater action in the conservation sector and by government in South Africa.

Losing any species to poaching would be an ecological tragedy, but losing our iconic black and white rhino – which have become a major drawcard for South Africa's tourism industry – will also have significant social and economic consequences. One in every seven South Africans currently depends on a thriving tourist industry for their livelihoods, and much of this success is based on the country being able to market itself as a prized ‘Big 5’ safari destination. If poaching continues at current rates, there is a real and imminent prospect that South Africa could, within a decade, be reduced to offering only the ‘Big 4’, which certainly diminishes our appeal to international travelers. It may also result in job losses, particularly in the rural areas where work is most needed.

The proposed solutions, however, have tended to fall into one of two camps: those that support the legalising of trade in rhino horn as a means to end the poaching, and those that believe non-trade solutions are the best options. As a result, these two competing strategies have polarized decision makers and the professional conservation community like never before. And with so many concerned citizens of South Africa involved either as volunteers, rhino owners or financial contributors to the cause, this polarity has also spilled over into the wider community.

Increasingly, this polarity on trade issues is viewed as a stumbling block for constructive and united action, while others fear a conservation fatigue setting in that would also seriously undermine attempts at solving the crisis.

With this in mind, in late 2014 a ground-breaking debate took place. The parties in favour of the legalisation of the trade in rhinos and rhino products were Dawie Roodt and Braam Malherbe. The parties against legalisation of trade in rhinos and rhino products were Ian Michler and Colin Bell. Advocate Jacques Joubert, from Mediation in Motion, mediated the debate. Advocate Paul Hoffman, SC, from the Institute of Accountability in Southern Africa (IFAISA) – which campaigns as “Accountability Now” – took part and provided wise council when needed and summarised the debate’s conclusion.

The outcome after many hours of often heated debate was that all members on both sides of the rhino horn trade lobbies have agreed to forge a new pragmatic partnership that brings together their combined energies, with the
aim of creating a unified rhino survival strategy that unites all stakeholders behind a common purpose – to ensure the long-term survival of rhino in the wild.

AGREEMENT ON FIVE KEY ASPECTS

An unfolding process has come about because ‘The Parties’ have agreed on five key aspects of the debate:

a) The economic modeling for trade in rhino horn is by no means conclusive, and the premise that claims trade should be the primary tool to significantly reduce poaching to manageable levels is tenuous.

b) In addition, if South Africa was given the green light to trade its rhino horn at the next CITES meeting (to be held in 2016 in South Africa), this would merely be the first step in a lengthy and onerous process before CITES can vote on full approval. South Africa and other African range states as the sellers, as well as China and Vietnam as the buyers, would all have to implement a host of legal, trading, policing and administrative procedures and frameworks in seeking CITES approval. This could take anywhere up to a decade and may still not be granted. These are vagaries and timeframes that rhino do not have.

c) It is unrealistic to expect any changes to the legislation governing the trade in rhino horn when next CITES members meet in Cape Town in October 2016. The outcome of the London Conference on the Illegal Wildlife Trade, held in February 2014, clearly indicated how unlikely the international community is to support such change.


The London Conference was followed by the Kasane Conference on The Illegal Wildlife Trade held in Botswana on the 25th March 2015.


d) The Parties are also in agreement that South Africa withdrawing from CITES is not a well-reasoned option. Disengaging from CITES would not be in the best interests of conservation and our general standing in the global community.

e) The Parties agree that South Africa’s wildlife resources fulfill an ecological niche that needs protection for future generations and that promoting the conservation of rhinos fulfills the constitutional imperative set out in section 24(b)(ii) of the Bill of Rights.

Given this newly found consensus, attention was devoted to exploring the nature of the various measures open to concerned stakeholders that would help stem poaching of rhinos and raise the funding needed to put these processes in place effectively.
AN INCLUSIVE, TRANSPARENT AND MULTI-FACETED APPROACH

This document serves as a wide-ranging but dynamic first draft of a working paper that is intended to promote a multi-faceted approach covering the entire scope of the rhino poaching crisis and the full spectrum of non-trade options, both locally and internationally, to assist in dealing with the situation in a legally sound and constitutionally compliant manner.

At this stage, the detail in the suggested solutions is not comprehensive, but it is envisaged that in time these can be fleshed out by input from the respective experts in each field. Furthermore, the Parties do not seek to undermine any non-trade efforts aimed at protecting rhino that are already underway.

It is the vision of the Parties to get as many groups and NGOs involved in rhino conservation as possible to align behind a single, broad-ranging strategy – ‘The Plan’. Once this Working Paper becomes public, suggestions and contributions from all involved will be welcomed.

KEY POINTS

While most of the key points listed here are already universally accepted to some degree, and many are also work in progress, they still need to be highlighted for the purposes of having all interested parties, including government, agree to the content of this Working Paper as it evolves.

These points can be divided into ‘Local’ and ‘International’ based on where they are activated.

LOCAL: SOUTH AFRICA& NEIGHBOURING STATES

Nearly all these key points will require funding or support of some sort. It is envisaged that this will come from a variety of sources, and in time a detailed budgetary assessment with guidelines and timeframes will need to be drawn up.

Government has mooted a ‘Global Rhino Fund’ and has indicated they are drawing up a register of all fund-raisers – this Working Paper will seek to collaborate in this regard.

1) Creation of a Tourism Conservation Fund

The key component of winning the battle against rhino poaching is to have sufficient funding to implement a multi-pronged approach to take the organized crime syndicates head-on and put them out of business. The most effective way to raise comparable funds without trading rhino horn is by working in partnership with the wider South African tourism industry - an industry that currently generates around R225 billion a year.

To date, SA’s tourism industry has played an uncoordinated and low-key role in the rhino poaching crisis. However, a voluntary contribution that gets added to guest invoices provides a practical method for the tourism sector to reverse the situation while not impacting on the viability of their businesses. The
Parties propose that contributions from the tourism industry are paid into a Fund to become the most significant avenue of funding rhino and related conservation needs.

Given the severity of the current poaching crisis, and the fact that almost all tourism providers rely on South Africa’s status as a highly regarded “Big 5” wildlife destination, it is recommended that a voluntary contribution is applied to all travel within South Africa.

The money raised becomes significant if a complete buy-in is received from the thousands of tourism establishments and operators that exist in South Africa.

If we assume that around 50% of the entire travel industry signs up to the new Fund, close to half a billion Rands could still be raised annually for conservation and security programmes in South Africa. This money is sustainable and could continue to be raised each year indefinitely, as research has shown that most tourists do not mind donating small amounts for conservation if they know that their money is going to a worthy cause. SA corporates could also be encouraged to contribute. The funds could be distributed through an independent entity so that the money is spent wisely and are fully accounted for.

Plans are well underway to create this fund - details to be announced in the next few months.

Further revenue for wildlife/rhino protection programmes can be raised from the following sources:

a) Government and provincial authority budgets: Currently the National Treasury allocates less than 1% of its total funds to parks and conservation. Considering that tourism is such an important industry in the country, the Parties call for both national and provincial governments to be making greater financial contributions to fighting the poaching crisis and by integrating rural communities into the wildlife and tourism industries.

b) Funding commitments from NGOs and corporate sector: both these sectors have played vital roles in assisting government and the private sector in dealing with the crisis. The Mining Charter’s skill development levy could also be a source of revenue, as part of this plan is to train and upskill people in rural areas (where many of the mine workers reside). It is hoped the NGOs and the private sector will continue to play such a role going forward.

c) Private philanthropy: another vital source of funding, which could become even greater if sufficient funds are raised to start an endowment-type fund. This fund could be managed by one or a group of South Africa’s leading financial institutions, and this function becomes part of their corporate social responsibility commitment.

d) Expansion of credit card initiatives like the “My School” project which is already in existence and currently raises over R200 000 per month for rhino conservation.
WHERE THE MONEY SHOULD BE SPENT

All funds raised will be used primarily on the following initiatives. This is not intended to be an extensive listing nor is there any suggestion of a ranking of importance; it serves as a starting point for the discussions:

1) Security

The Parties accept that given the severity of the poaching, security measures for private and government stocks of rhino must always be a priority and the efforts and effectiveness of institutions such as NATJOINTS can be further bolstered.

Security involves a number of areas and factors:

a) Intensive Protection Zones (IPZs): these zones of high security can be of significant benefit if security is not compromised in any way. These zones can be within parks and reserves in South Africa, on private reserves or in neighbouring countries.

b) Equipment: it is commonly accepted that in many instances anti-poaching teams do not have enough basic equipment such as quality boots, uniforms, tents, night-vision goggles, helicopters and radios. Improving equipment quality and quantities improves the ability to combat the poachers, and it also enhances overall morale.

c) Increasing effectiveness of park rangers: along with their equipment, the quality of ranger training can always be improved – included here would be their terms or ‘Rules of Engagement’ with poachers to ensure higher arrest and prosecution rates. IFAISA (now campaigning as Accountability Now) has delivered a letter to the Ministers of Environmental Affairs, SAPS, Justice and SANDF, asking that the current Rules of Engagement be changed from that of ‘minimal force’ to a system which allows rangers as well as all law enforcement agencies operating in the Kruger National Park and elsewhere to do whatever is deemed lawfully necessary to stop the poaching. If the relevant Ministers do not agree to amend the current Rules of Engagement, then Accountability Now reserves the right to present a case in the Courts to have the Rules amended. In such a situation, money would be needed to take this to the highest level in order to protect the sovereignty of the nation against foreign-based attacks that undermine biodiversity and conservation of an iconic species by, in effect, “stealing the family silver” of the nation. At present, the positive response of the Minister of Environmental Affairs to the Rules of Engagement Letter and her appointment of an inquiry team have put all thought of litigation on hold.

d) Improve gate and customs controls: there is scope for improvement at all these points – this to include more or better training, sniffer dogs (see point h below) and an increase in personnel if needed.

e) Drones and helicopters: drones can be an extremely effective way of gathering intelligence – the Parties believe the use of this technology should be investigated, with the aim of creating a unit that focuses specifically on this
aspect. And on both private and nationally protected land, helicopters have long been crucial assets in the country’s anti-rhino poaching armory.

f) The Middleman: the Parties believe more should be done to target the middleman. Many middlemen are already well known both in South Africa and Mozambique. Given their high-profile role as both controllers of the actual poachers and exporters of horn, they may well be the syndicate’s ‘weakest link’. In addition, there are not many of them and the Parties believe that with a concerted intelligence effort, it will not be as problematic to root them out as many believe. Without them the whole poaching chain would start to implode. It has been proven that communities will give information if the rewards are sufficiently high. Lifestyle audits on suspected individuals must also be considered.

g) Whistleblower: following on from (f) above, a portion of the funds collected from the Fund should be set aside that will pay for information that leads to the arrest and conviction of poachers and their middlemen. In general, South Africa’s security measures have relied on a reactive approach, which means the response comes after the rhinos have been killed. Establishing a fund that supports a network of informers and a culture of whistleblowing could go some way to being more proactive with regards to tackling the poaching.

h) Sniffer dogs: these should be used more extensively at airports, ports, border posts, spot road-checks and all the entrances/exits of parks and reserves.

i) Rhino Horn Devaluation: Pilot studies have shown that if the value of live rhino’s horns is deflated, that it acts as an immediate and effective poaching deterrent. Continued research into chemical treatment and radio-active treatment should be undertaken. The application of tracking technology and rapid response technology on the rhino itself also acts as an important deterrent and should be further explored.

2) Technology

This is an additional aspect to security that has the potential to win the poaching war. There are a number of innovative systems available to be rolled out that will help solve the poaching crisis and ease the manpower burden that current policies have to rely on. It is recommended that two of these form the basis of efforts:

a) Systems are available that can track all satellite and cell phone calls from in and around our game reserves. With KNP a priority, these will enable duly authorised security staff to pinpoint poaching activity and may well lead them to middlemen located outside of the parks and in neighbouring countries as well.

b) ‘Threatstalker’ (by Telephonics/Griffon/Stone Holdings) is another hi-tech system that will help the anti-poaching initiatives. It has been developed in the USA to aid and protect their troops in places like Afghanistan. Comprising a mobile unit equipped with a comprehensive range of technologies fitted onto the back of a small truck, the system is able to track people’s movements up to 12km away. At this distance it can reveal an individual’s sex and whether
they are carrying weapons, and it can further distinguish whether the weapon is a .458 or an AK47.

If these two systems (with others to come in time) were installed around KNP’s boundaries, they would certainly reduce the workload on security personnel. Smaller numbers of SWAT-type teams could then be deployed to react to the information received. In this way, poachers can be monitored more effectively and intercepted before or as they enter the Park. This results in pro-active solutions to poaching (the poachers are caught before a rhino is killed).

3) DNA Laboratory

This component is turning out to be a vital tool in increasing success rates when prosecuting poachers. Known as RHoDIS, the laboratory and programme is run by Dr Cindy Harper and is housed at University of Pretoria’s Faculty of Veterinary Science, Onderstepoort.

Currently, the law requires that a DNA sample be collected from every rhino killed or relocated as well as from those that die of natural causes. To date, over 13 000 samples have been collected across Southern Africa; these records are then used in court as evidence against poachers by linking body parts to individual animals and the areas they come from.

The aim is to have every rhino, alive or dead, in South Africa listed on the database.

4) The Communities

Many rural communities are alienated and excluded from the benefits of national parks and wildlife reserves.

This is arguably one of the biggest challenges conservationists face. South Africa’s current tourism and wildlife policies have, for the most part, not included in their business models those rural communities living alongside national parks.

As a result, many within these communities are not concerned about the plight of wildlife, and poachers emerge in an attempt to alleviate or improve their poor living conditions. To break this cycle, innovative policies and programmes that integrate communities into the tourism and wildlife industry’s business models must be put in place.

The Parties accept that finding solutions to this particular aspect are of a long-term nature and will require serious consideration and efforts from various ministries and the private sector.

We recommend that South Africa consult with countries such as Botswana, Namibia, Nepal and Kenya with regards to their rural community projects and benefit/revenue sharing schemes from wildlife and tourism. These countries all have successful models or aspects thereof in place to the extent that successes have been recorded with regards to ownership, stewardship, poaching reductions and development.
The Parties recommend that tariffs for all national parks and reserves be increased by 10%, and this increase be clearly designated on all invoices as a ‘Community Fund’ contribution. The funds generated should then be ring-fenced by the authorities and distributed to communities neighbouring the parks and reserves through a ward structure. Each ward will have necessary mechanisms rewarding compliance or penalizing transgressions.

Furthermore, as a start to the process of redress, a portion of the Tourism Conservation Fund collected will go towards environmental education as well as uplifting communities who live alongside parks and reserves. They will also be remunerated for protecting the wildlife and habitats.

In addition, the wider tourism industry must be encouraged to integrate communities into the tourism industry through a variety of ways: upgrading villages and towns; education; schools trips; shareholdings in tourism businesses; revenue-sharing schemes; efforts at liaison and having rhino spokesmen / “friends” within communities are just some examples.

5) Trophy hunting

Given that the Parties agree rhino-horn trade is off the table, the sole legal loophole in this regard remains through the trophy hunting permitting system. And it has been a gaping loophole that has allowed ‘pseudo’ / commercial hunters to become a primary supplier of ‘legal’ horn into the Asian markets (often via Eastern Europe).

A solution that could achieve universal stakeholder support without compromising “sustainable use” principals is to continue with rhino sport hunting, but to restrict the export of the rhino horn trophy until such time as the poaching crisis has been averted. Hunters would have an identical replica made of their specific trophy horn that then becomes part their mount for export. The actual horn would remain behind in a secure vault in South Africa to be released back to the trophy hunter once the poaching crisis subsides.

6) The Judicial aspects

There are various components to strengthening capacity and application in this regard:

a) The Parties agree that a ‘special investigative wildlife crimes’-type unit would be best to deal with the rhino poaching. And this unit is trained specifically to deal with rhino crimes at every level from hot pursuit to arrest, investigating and collecting evidence at a crime scene to presenting that evidence in courts. The viability of establishing special wildlife courts should also be investigated.

b) The Parties advocate significantly stiffer bail conditions, due to the high proportion of suspects arrested who continue to poach after their bail. While mandatory minimum sentences for convicted poachers would be welcomed by many in the conservation sector, it is considered more appropriate at this stage to raise awareness in the criminal justice administration of the deleterious consequences of “slap on the wrist” punishment for convicted poachers and overly generous bail conditions for suspected poachers. While
the presumption of innocence is fundamental to the proper administration of justice, the need to provide sentencing courts with expert testimony in aggravation of sentence could go a long way toward recognising the severity of the offences involved in poaching. Alerting prosecutors to the options available to them to lead such evidence could establish the type of precedent in sentencing that is needed to prevent the extinction of the rhino species.

c) The administration of our current laws and the terms of engagement in place (with respect to poaching) are heavily weighted in favour of the poachers. These need to be amended or applied differently. This involves policy adaptation to better counter the scourge of poaching, including the refusal of bail and the imposition of stricter bail conditions where bail is allowed; the passing of harsher sentences; and the stepping up of deterrence in general, by bringing more resources and expertise to bear. These are all currently within the power of the authorities if only the political will to use the powers available is generated. To do so, the cabinet, the public administration and in particular the criminal justice administration need to be sensitised to the urgency and scope of the problems faced in combating the poaching of rhino and the illegal sale of its horn in the East.

d) There needs to be far greater collaboration between South Africa and its neighbours, Mozambique specifically, with sharing of information that could lead to arrests and successful prosecutions and generally developing joint strategies to stamp out the poaching.

e) Money needs to be allocated and spent on training law enforcement officers around the country who deal with poaching crimes to improve their arrest and prosecution procedures.

The document below, known as the PALSA Document may well serve as an additional strategy document on the judicial aspects.

http://www.march4elephantsandrhinos.org/objectives--strategies.html

7) Branding the new campaign

It is believed that “The Plan" for rhinos will need significant stakeholder engagement to ensure buy-in. In addition, the public at large will need to be informed on the consensus reached between the parties and the new direction.

For this to be successful, a branding and awareness campaign will be necessary. It is envisaged that such a campaign will embrace various approaches and media forms. Amongst others:

- A multi-media advertising campaign
- Public and private presentations to all stakeholders
- A documentary recording or film that can cover the complete spread of mediums from all social media, tablet and web-based platforms to television, theatrical and educational releases. Ultimately, budgets and penetration levels will determine the final choices in this regard.
Advertising companies will be canvassed in an attempt to secure pro bono or reduced-cost contributions to these campaigns.

INTERNATIONAL

It is envisaged that international initiatives will take place on two levels:

1) Demand Reduction

Demand reduction and awareness campaigns are central and vital components to solving the rhino-poaching crisis. Without these initiatives, in the short term almost everything else that takes places on the local front may well be undermined to the extent that little to no headway can be made. However, for demand reduction to work, campaigns must utilise Asian celebrities (preferably those still living and well known in Asia) speaking out against poaching and highlighting that it is ‘uncool’ or silly to purchase illegal wildlife products such as rhino horn.

There are a number of points that need to be reinforced here:

a) The current demand patterns in Asian nations, Vietnam and China particularly, clearly indicate that these have little to do with TCM. This is important, as it can no longer be claimed that demand is being driven by age-old traditions or customs that will be hard to break. Instead, we are mostly dealing with very recently acquired flippant consumer behavior driven by a burgeoning middle class. And these buying patterns are changing all the time, which clearly undermines any modeling based on simplistic demand assumptions. For these reasons, ongoing research and monitoring of demand must take place.

b) While it requires sustained effort, the Parties accept that demand reduction and changing behavior patterns can work: ivory consumption in Japan, and rhino horn use in Yemen and Taiwan are good examples, as are the changes in seat-belt behavior and the use of corporal punishment in the wider world. Demand reduction campaigns must focus on bringing awareness by highlighting the uselessness of rhino horn as well as the consequences of use to the animals.

c) These campaigns or initiatives work best when trade bans are strictly enforced.

d) The sending of mixed messages must cease – on the one hand, we ask Vietnam, China and the world for assistance because the poaching has placed rhino under threat of extinction, but on the other we are also currently promoting trade as an option as well as letting people legally acquire rhino horn through the trophy hunting system.

2) Political lobbying

The rhino poaching crisis is an international crisis. While South Africa remains the focus, the poaching also takes place in or involves a number of other African states, and the markets are mostly on other continents. In addition,
various World Heritage Sites are affected and the drivers of the crime are syndicates that are also involved in destabilizing global security.

Because of this, political lobbying of African and international governments to become involved in whatever way possible will be central to expediting the raft of solutions. This lobbying can be done on a number of fronts:

a) Most importantly, all countries that are CITES members must strictly enforce the current legislation that bans the trade in rhino horn and its consumption. And those countries that are not enforcing the no-trade status must be pressurized to do so. This includes the introduction of sanctions under the CITES non-compliance guidelines and a ban on trophy hunting for rhino until further notice. There should be no grey areas in this regard.

b) International diplomacy is not being sufficiently used in this crisis. Nationals of foreign nations are plundering South Africa's natural resources – our President, Ministers and Diplomats should be encouraged and empowered to use every opportunity to speak out against rhino poaching.

c) In South Africa's case, our neighbouring states, Mozambique in particular, must be made acutely aware of the role they are playing in the poaching at very senior government levels. Political and economic pressures must be used wherever possible in order to ensure full cooperation and compliance. There is significant room for greater pressure and lobbying on this front, as well as compliance of MOUs that have been agreed upon.

d) Countries where consumption of horn is highest must be made aware of their CITES commitments and obligations, with particular emphasis on enforcing the laws regarding trade. China and Vietnam must be encouraged to introduce immediate measure to close all trade and all loopholes.

e) All countries must be made aware of the dangers of voting in favour of any trade resolutions placed before CITES or any other African or international organization.

f) Pressure must be brought to bear on all countries that are not seen to be tackling or targeting criminal syndicates involved in the rhino horn trade.

g) The fact that rhino poaching syndicates are also involved in drugs and child trafficking, the illegal weapons trade, money laundering, and they have clear links to international terrorist groups must be highlighted on a continuous basis.

CONCLUSION

The Parties agree that with more effort and concerted buy-in from all sectors, the rhino poaching crisis can be brought under control. They agree to combine all their energies to ensure, through a wide range of initiatives both locally and abroad, that South Africa does not end up as a “Big 4” safari destination. The consequences of no wild rhino in South Africa are too dire to contemplate, especially as one in every seven South Africans depends on the tourism industry for their livelihoods.
ABBREVIATIONS & TERMS

CITES: Convention on International Trade in Endangered Species

KNP: Kruger National Park

RHoDIS: The Rhino DNA Index System

SANParks: South Africa National Parks

SWAT: Special forces teams used in the fight against poaching

The Institute: IFAISA: Institute For Accountability In Southern Africa (now campaigning as Accountability Now)

The Parties: refers to the authors and facilitators that gathered at a meeting held in Cape Town on 20th October 2014 under the auspices of The Institute

TCM: Traditional Chinese Medicine

Working Paper: refers to this draft document. It remains a Working Paper until The Institute deems a change of status necessary.

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