



"Working within CITES for the protection and conservation of species in international trade"

The Rt Hon Edna Molewa
Minister of Environmental Affairs
Department of Environmental Affairs
Private Bag X313
Pretoria 0001
South Africa

9 August 2017

Domestic trade in rhino horn in South Africa

Honourable Minister,

We are writing on behalf of the Species Survival Network (SSN)'s Rhinoceros Working Group (RWG) to express our concern about recent developments in South Africa in relation to rhino horn trade. SSN is an international coalition of more than 100 organisations committed to the promotion, enhancement, and strict enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

SSN is greatly concerned about recent private-sector plans to sell rhino horn within South Africa. By sending out the message that rhino horn may soon be moving freely within South Africa, these plans place already vulnerable wild rhinos across their range at increased risk from poachers and traffickers. Because plans to sell rhino horn have been instituted before final regulations to monitor trade domestically have been approved, they undermine the credibility of South Africa's rhino conservation efforts both domestically and on the international stage.

As you are aware, illegal trade in rhino horn, principally to supply demand in China and Vietnam, represents the greatest ongoing threat to rhinos across their extant range. As home to almost 70% of the world's rhinos, South Africa has a leading role to play in curbing poaching and securing a future for these important and charismatic animals. While welcoming the significant decrease in rhino carcasses reported in the Kruger National Park for the first half of this year, increased poaching elsewhere in South Africa is a cause for great concern, as are reports that rhino poaching is increasing in some other range states including Namibia and Zimbabwe.

We were therefore extremely concerned and disappointed that, in April of this year, the Constitutional Court upheld the decision of the High Court to overturn South Africa's domestic moratorium on trade in rhino horn, following a legal challenge brought by private rhino owners.

The overturning of the moratorium was quickly followed by the announcement by John Hume, of his intention to hold an online auction on 21st-24th August this year followed by a physical auction in September, at which an unspecified proportion of his horn stockpile will be put up for sale. Mr Hume owns the largest number of privately owned rhinos in South Africa and reportedly has a large stockpile of rhino horn derived from dehorned and deceased animals. While Mr Hume's auction website acknowledges that international commercial trade in rhino horn remains illegal, the provision of versions of the website in Vietnamese and Mandarin represents, in our view, a cynical attempt to attract buyers originating from those countries or proxy buyers operating on their behalf.

Mr Hume cannot be unaware that rhino horn almost certainly commands a considerably higher price in Asian markets than could be expected from a domestic sale within South Africa. He is likely to realise far more from the auction if his bidders either believe that the CITES ban on international sales will soon be overturned, or that it will be easy to export their purchases after the sale.

More recently, the South African Private Rhino Owners Association (PROA) has circulated documents to its membership indicating its intention to create a Central Selling Organisation 'for the orderly trade of legally acquired rhino horn'. This move, which appears in part to be designed to protect the anonymity of sellers and buyers while generating significant profits for the PROA, has apparently been planned for some time in anticipation of the overturning of the domestic moratorium. It seems likely that the PROA will promote its plans as a model by which an international legal trade mechanism might be operated despite the enforcement problems that an anonymous buyer system would create.

In February of this year your Department invited comments on draft Regulations for the Domestic Trade in Rhinoceros Horn, or a Part, Product or Derivative of Rhinoceros Horn (DEA Notice 74 of 2017, dated 8th February 2017). The SSN Rhino Working Group provided comments, strongly opposing the proposed regulations, as did a number of its individual member organisations. According to the speech you gave on 24th July this year, responses are still "being considered as part of the current approval process". These draft Regulations are not yet in force, and consequently the Government of South Africa is not in any position to effectively regulate or monitor any domestic trade in rhino horn. This increases our concern that much of the horn that might be sold through the proposed online auction and/or through the PROA's Central Selling Organisation could end up in the hands of international traffickers and find its way into illegal markets in Vietnam, China and elsewhere, further fuelling demand and stimulating poaching.

As a report commissioned by the DEA itself found in 2014, legalizing domestic trade in rhino horn "may lead to laundering of illegal rhino horn into legal trade, and leakage of rhino horn into the illegal international market"; "may tarnish South Africa's international conservation reputation"; "may result in/lead to compliance and enforcement challenges" and "may send conflicting messages to CITES about South Africa's position on trade"¹.

The SSN Rhino Working Group encourages the South African government to explore, as a matter of urgency, how the domestic moratorium on commercial trade in rhino horn can be reinstated, and to

¹https://www.environment.gov.za/sites/default/files/docs/rhinohorntrade_southafrica_legalisingreport.pdf

ensure that Regulations are designed to prevent the export of rhino horn from South Africa which could subsequently be traded in illegal markets.

We also urge the Government of South Africa to redouble efforts to ensure that all stockpiled rhino horns, whether in Government (national or provincial) or private hands, are registered, identified on the RhoDIS database, permanently marked, and securely stored, to give confidence that should any horn originating from South African stockpiles appear in illegal trade, its source can be readily identified and appropriate action taken.

In the event that domestic sales cannot be prevented in the short term, we urge the South African authorities to introduce measures to ensure that any purchasers are required, at regular intervals, to demonstrate that their rhino horns remain intact and within South Africa, and to keep the international enforcement community informed of the identities of owners, sellers and buyers of rhino horns, as well as sharing any photographs, DNA fingerprinting or other identification information on any horns traded domestically, in order to facilitate the tracking and apprehension of horns and traffickers should they leave the country.

We look forward to your response, and to further opportunities to engage with the South African authorities on this important issue going forward.

Sincerely,



Mark Jones
Co-Chair
Species Survival Network Rhino Working Group



Susie Watts
Co-Chair
Species Survival Network Rhino Working Group

cc: The Hon. Maite Nkoana-Mashabane, MP; Minister of International Relations and Co-operation
The Hon. Tokozile Xasa, MP; Minister of Tourism
Mr. Mpho Tjiane, Deputy Director; CITES Policy Development and Implementation;
Biodiversity and Conservation; Department of Environmental Affairs