



## Perspective on the Legal Trade in Rhino Horn

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The Endangered Wildlife Trust's (EWT) mission is to conserve threatened species and ecosystems in southern Africa to the benefit of all people.

This purpose of this statement is to inform stakeholders, partners and members of the public on the EWT's perspective on legalising the trade in rhino horn.

### BACKGROUND

Since 2008, rhino range states have been hard-hit by a massive upsurge in the poaching of rhinos for their horns. Rhino horns are predominately trafficked to Asia by transnational criminal syndicates, where they are traded illegally at high prices. Governments, the private sector and civil society organisations have been called to action to address the drivers of a crisis that threatens rhino populations – and even species – if not urgently halted.

The South African government has implemented an integrated strategic management plan for rhinos, which primarily focuses on law enforcement and management initiatives to reduce poaching or catch and prosecute wildlife criminals. While this is having some positive impacts, it does little to reduce the demand for rhino horn in consumer countries, which is the underlying driver of the poaching. If the demand remains high, the efforts needed to address poaching necessarily remain high, placing an incredibly high burden on law enforcement agencies in South Africa. This will be unsustainable in the long-term, necessitating an alternative approach. One proposed but controversial alternative is to legalise trade in horn, which some people hope will compete with the black market sufficiently in order to reduce the need for illegal sources of horn. This approach would also generate legitimate revenues for rhino owners, which could help to pay for the high costs of security. There are two aspects of the trade in rhino horn that are relevant to the debate: international trade and domestic (local) trade.

### INTERNATIONAL TRADE

International trade in wildlife and wildlife products, including rhino horn, is regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is an international agreement between countries that aims to ensure that trade in wild animals and plants does not threaten their survival in the wild. As a signatory to CITES, South Africa is bound by the provisions of this convention.

Currently, both the White Rhino (*Ceratotherium simum*) and Black Rhino (*Diceros bicornis*), are protected by CITES against over-exploitation through international trade. The Black Rhino is listed under Appendix I alongside other species that are threatened with extinction due to trade, which means that international trade in Black Rhinos and their parts, including horn, for commercial purposes is prohibited. The White Rhino in South Africa is listed under Appendix II, but once the horns are removed from this species, they are regarded as Appendix I, meaning trade for commercial purposes is

prohibited. It is, therefore, illegal to conduct international trade in rhino horn, from any African rhino species if the main purpose of the trade is commercial, and this seems unlikely to change in the near future.

## **DOMESTIC TRADE**

Before 2009, rhino horn could be bought and sold legally within South Africa, but this trade was banned in 2009 after a moratorium was put in place by the Minister of Environmental Affairs. In 2017, this moratorium was overturned in a court ruling,<sup>1</sup> meaning that it is currently legal to buy and sell rhino horn within South Africa, as long as the persons trading horn have the necessary permits. Permits are issued by the Department of Environmental Affairs and the permitting offices in each of the nine provinces, and this process is governed by the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), as read with the Threatened or Protected Species Regulations (ToPS) and relevant provincial legislation.

## **THE EWT'S PERSPECTIVE**

The EWT recognises that there are divergent views and opinions on the legal trade in rhino horn (and other wildlife) among different role-players, and we appreciate that debate, while sensitive, is important for interrogating and addressing the complex issue of wildlife trade.

The EWT firmly supports the ecological sustainable use of wildlife when it leads to the improved conservation of wild and free living species in their habitats. Any use of a species and/or its components must benefit the persistence of that species in the wild, which must be supported by evidence in order for a trade-related decision to be rational and meaningful for conservation. Wildlife trade is sustainable only when it positively contributes to the security of wild and free populations and when benefits accrued are shared fairly and equitably.

The EWT would support a legal trade in rhino horn, under the following conditions:

- 1. Horn from a legal trade must lead to a reduction in poaching by replacing a large amount of the horn obtained illegally.**

We are not aware of any evidence that suggests that legally sourced horn will replace horn from poaching. There is, however, some evidence to suggest that the market for rhino horn is biased towards horn sourced from wild rhino and not farmed rhino. There is also concern that a legal trade may stimulate poaching if horn from both sources can be moved more easily under the guise of a legally obtained permit.

- 2. The volume of legal production must meet any changes in demand for horn as a result of legal trade.**

If a legal trade changes the number of consumers of horn, this change is likely to be upwards, as law-abiding potential buyers are released from the stigma of buying an illegal product. Furthermore, as we do not know what the price of horn would do under legal trade and we do not know how many potential legal consumers there are, there is a risk that demand will exceed the legal supply.

- 3. Revenues from the legal trade must be used to protect wild rhino populations primarily, and not only farmed populations.**

Proponents of a legal trade claim that financial returns from selling horn will be channelled back into increased security funding to protect rhinos. This may be feasible for intensive operations (where rhinos can be kept under tight security), but is far less achievable for wild rhinos roaming large open areas. This is both because a significant portion of tradable horn will be generated from

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<sup>1</sup> Kruger and Another v Minister of Water And Environmental Affairs and Others [2016] 1 All SA 565 (GP)

intensive operations and there is no guarantee that adequate revenue flows will extend to wild populations, and also because wild populations are inherently harder to protect. Additionally, a tightening of security on intensive operations might have the effect of displacing poachers to less secure wild populations, thereby increasing the risk in the latter. Moreover, an increased promise of revenues might also encourage some rhino owners to move rhinos that are currently free ranging, into intensive conditions, thus reducing the wild herd further. If a legal trade leads to a greater demand for horn (see points 1 and 2 above), or a freer flow of rhino horn to demand countries, wild rhinos will be at even higher risk.

**4. Institutional capacity to regulate trade must be increased in both source and consumer countries to avoid laundering.**

There is concern that it is not possible to keep track of all legally supplied rhino horn and to distinguish it from illegal horn due to capacity constraints, resource shortages and corrupt practices. As rhino horn is also mostly a consumed product, traceability once acquired by a consumer is even more challenging than may be the case for ivory or other wildlife products. This presents opportunities for the laundering of illegal horn through the legal supply chain, which may further incentivise poaching and put increased pressure on the already-strained law enforcement and compliance sectors. To reduce poaching, trade legalisation must restrict opportunities for illegal horn to reach buyers and enforcement capacity must be significantly bolstered to address this need.

## **CONCLUSION**

The EWT's perspective is that only when a legal trade in rhino horn is assured of making tangible, positive benefits to wild rhino populations, natural systems and society as a whole, can it truly be sustainable and considered as part of a multi-pronged strategy to conserve rhinos. As this is not possible to confirm at this stage, the EWT perspective is that any considerations on trading rhino horn at the international level are premature.

*The EWT bases its perspectives on the best available information and data available at the time.  
Our positions and opinions may change as more information and data become available.*